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RECORDS OF THE UNITED STATES

NUERNBERG WAR CRIMES TRIALS

UNITED STATES OF AMERICA V. KARL BRANDT ET AL. (CASE 1)

NOVEMBER 21, 1946-AUGUST 20, 1947

Roll 2

Transcript Volumes (English Version)

Volumes 1-3

Nov. 21, 1946-Jan. 6, 1947



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INTRODUCTION

On the 46 rolls of this microfilm publication are reproduced the records of Case I (*United States of America v. Karl Brandt et al.*, or the "Medical" Case), 1 of the 12 trials of war criminals conducted by the U.S. Government from 1946 to 1949 at Nuernberg subsequent to the International Military Tribunal held in the same city. These records consist of German- and English-language versions of official transcripts of court proceedings, prosecution and defense briefs, and final pleas of the defendants as well as prosecution and defense exhibits and document books in one language or the other. Also included in this publication are a minute book, the official court file, order and judgment books, clemency petitions, and finding aids to the documents.

The transcripts of this trial, assembled in 2 sets of 30 bound volumes (1 set in German and 1 in English), are the recorded daily trial proceedings. The prosecution and defense briefs and answers are also in both languages but unbound, as are the final pleas of the defendants delivered by counsel or defendants and submitted by the attorneys to the court. The unbound prosecution exhibits, numbered 1-570, are essentially those documents from various Nuernberg record series offered in evidence by the prosecution in this case. The defense exhibits, also unbound, are predominantly affidavits by various persons. They are arranged by name of defendant and thereunder numerically. Both prosecution document books and defense document books consist of full or partial translations of exhibits into the English language. Loosely bound in folders, they provide an indication of the order in which the exhibits were presented before the tribunal.

The minute book, in one bound volume, is a summary of the transcripts. The official court file, in four bound volumes, includes the progress docket, the indictment, amended indictment, and the service thereof; appointments and applications of defense counsel and defense witnesses and prosecution comments thereto; defendants applications for documents; motions; uniform rules of procedures; and appendixes. The order and judgment books, in two bound volumes, represent the signed orders, judgments, and opinions of the tribunal as well as sentences and commitment papers. Clemency petitions of the defendants, in five bound volumes, were directed to the military governor, the Judge Advocate General, the U.S. district court, the Secretary of Defense, and the Supreme Court of the United States. The finding aids summarize transcripts, exhibits, and the official court file.

Case I was heard by U.S. Military Tribunal I from November 21, 1946, to August 20, 1947. The records of this case, as the

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records of the other Nuernberg and Far East (IMTFE) war crimes trials, are part of the National Archives Collection of World War II War Crimes Records, Record Group 238.

The Brandt case was 1 of 12 separate proceedings held before several U.S. Military Tribunals at Nuernberg in the U.S. Zone of Occupation in Germany against officials or citizens of the Third Reich, as follows:

<u>Case No.</u>	<u>United States v.</u>	<u>Popular Name</u>	<u>No. of Defendants</u>
1	<i>Karl Brandt et al.</i>	Medical Case	23
2	<i>Erhard Milch</i>	Milch Case (Luftwaffe)	1
3	<i>Josef Altstoetter et al.</i>	Justice Case	16
4	<i>Oswald Pohl et al.</i>	Pohl Case (SS)	18
5	<i>Friedrich Flick et al.</i>	Flick Case (Industrialist)	6
6	<i>Carl Krauch et al.</i>	I. G. Farben Case (Industrialist)	24
7	<i>Wilhelm List et al.</i>	Hostage Case	12
8	<i>Ulrich Greifelt et al.</i>	RuSHA Case (SS)	14
9	<i>Otto Ohlendorf et al.</i>	Einsatzgruppen Case (SS)	24
10	<i>Alfried Krupp et al.</i>	Krupp Case (Industrialist)	12
11	<i>Ernst von Weissacker et al.</i>	Ministries Case	21
12	<i>Wilhelm von Leeb et al.</i>	High Command Case	14

Authority for the proceedings of the International Military Tribunal against the major Nazi war criminals derived from the Declaration on German Atrocities (Moscow Declaration) released November 1, 1943, Executive Order 9547 of May 2, 1945, the London Agreement of August 8, 1945, the Berlin Protocol of October 6, 1945, and the Charter of the International Military Tribunal.

Authority for the 12 subsequent cases stemmed mainly from Control Council Law 10 of December 20, 1945, and was reinforced by Executive Order 9679 of January 16, 1946; U.S. Military Government Ordinances Nos. 7 and 11 of October 18, 1946, and February 17, 1947, respectively; and U.S. Forces, European Theater General Order 301 of October 24, 1946. The procedures applied by U.S. Military Tribunals in the subsequent proceedings were patterned after those of the International Military Tribunal and further developed in the 12 cases, which required over 1,200 days of court sessions and generated more than 330,000 transcript pages.

The crimes charged in the Brandt case consisted largely of medical experiments performed on defenseless concentration camp inmates against their will; "euthanasia" carried out on the mentally defective, the physically sick, the aged, and ethnic and racial groups; and the murder of concentration camp inmates for the express purpose of collecting skulls and skeletons for the Anatomical Institute of the Reich University of Strassburg. The following medical experiments were conducted:

1. High altitude: to investigate effects of low pressure on persons.
2. Freezing: to test human resistance to extremely low temperatures.
3. Malaria: to develop controls over the recurring nature of the disease.
4. Mustard gas: part of a general research program in gas warfare.
5. Sulfanilamide: to test the efficacy of the drug in bone muscle and nerve regeneration and bone transplantation.
6. Seawater: to test methods of rendering seawater potable.
7. Epidemic jaundice: to develop an antitoxin against the disease.
8. Sterilization: to test techniques for preventing further propagation of the mentally and physically defective.
9. Typhus: to investigate the value of various vaccines.
10. Poison: to test the efficacy of certain poisons.
11. Incendiary bomb: to find better treatment for phosphorus burns.

The prosecution alleged and the judgment confirmed that these experiments were not isolated acts of individual doctors and scientists on their own responsibility but that they were the result of high-level policy and planning. They were carried out with particular brutality, often disregarding all established medical practice. Consequently, large numbers of the victims died in the course of or as a result of the experiments.

The euthanasia program was the direct result of a directive by Hitler of September 1, 1939. It resulted in the secret killing not only of aged, insane, incurably ill, and deformed German citizens in sanatoriums in Germany but also in the clandestine murder of foreign workers. The killing in gas chambers and by injections in the sanatoriums served as a proving ground for these forerunners of much larger installations in the mass extermination camps.

In addition to these experiments, over 100 concentration camp inmates were killed for the purpose of obtaining their skeletons. Their ghastly remains were found in Strassburg by Allied troops.

The transcripts of the Brandt case include the indictments of the following 23 persons all of whom were physicians except defendants Rudolf Brandt, Viktor Brack, and Wolfram Sievers:

Karl Brandt: Personal physician to Adolf Hitler, Gruppenfuehrer in the SS and Generalleutnant (Major General) in the Waffen SS, Reichskommissar fuer Sanitaets- und Gesundheitswesen (Reich Commissioner for Health and Sanitation), and member of the Reichsforschungsrat (Reich Research Council).

Kurt Blome: Deputy [of the] Reichsgesundheitsfuehrer (Reich Health Leader) and Plenipotentiary for Cancer Research in the Reich Research Council.

Rudolf Brandt: Standartenfuehrer (Colonel) in the Allgemeine SS, Persoenlicher Referent von Himmler (Personal Administrative Officer to Reichsfuehrer SS Himmler), and Ministerial Counselor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

Joachim Mrugowsky: Oberfuehrer (Senior Colonel) in the Waffen SS, Oberster Hygieniker, Reichsarzt SS und Polizei (Chief Hygienist of the Reich Physician SS and Police), and Chef des Hygienischen Institutes der Waffen SS (Chief of the Hygienic Institute of the Waffen SS).

Helmut Poppendick: Oberfuehrer in the SS and Chef des Persoenlichen Stabes des Reichsarztes SS und Polizei (Chief of the Personal Staff of the Reich Physician SS and Police).

Wolfram Sievers: Standartenfuehrer in the SS, Reich Manager of the "Ahnenerbe" Society and Director of its Institut fuer Wehrwissenschaftliche Zweckforschung (Institute for Military Scientific Research), and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

Karl Genzken: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS and Chef des Sanitaetsamts der Waffen SS (Chief of the Medical Department of the Waffen SS).

Karl Gebhardt: Gruppenfuehrer in the SS and Generalleutnant in the Waffen SS, personal physician to Reichsfuehrer SS Himmler, Oberster Kliniker, Reichsarzt SS und Polizei (Chief Surgeon of the Staff of the Reich Physician SS and Police), and President of the German Red Cross.

Viktor Brack: Oberfuehrer in the SS and Sturmbannfuehrer (Major) in the Waffen SS and Oberdienstleiter, Kanzlei des Fuehrers der NSDAP (Chief Administrative Officer in the Chancellery of the Fuehrer to the NSDAP).

Waldemar Hoven: Hauptsturmfuehrer (Captain) in the Waffen SS and Chief Physician of the Buchenwald Concentration Camp.

Herta Oberheuser: Physician at the Ravensbrueck Concentration Camp and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Fritz Fischer: Sturmbannfuehrer in the Waffen SS and assistant physician to the defendant Gebhardt at the hospital at Hohenlychen.

Siegfried Handloser: Generaloberstabsarzt (Lieutenant General, Medical Service), Heeressanitätsinspekteur (Medical Inspector of the Army), and Chef des Wehrmachtsanitätswesens (Chief of the Medical Services of the Armed Forces).

Paul Rostock: Chief Surgeon of the Surgical Clinic in Berlin, Surgical Adviser to the Army, and Amtschef der Dienststelle Medizinische Wissenschaft und Forschung (Chief of the Office for Medical Science and Research) under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

Oskar Schroeder: Generaloberstabsarzt; Chef des Stabes, Inspekteur des Luftwaffe-Sanitätswesens (Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe); and Chef des Sanitätswesens der Luftwaffe (Chief of the Medical Service of the Luftwaffe).

Hermann Becker-Freyseng: Stabsarzt in the Luftwaffe (Captain, Medical Service of the Air Force) and Chief of the Department for Aviation Medicine of the Medical Service of the Luftwaffe.

Georg August Weltz: Oberfeldarzt in the Luftwaffe (Lieutenant Colonel, Medical Service of the Air Force) and Chief of the Institut fuer Luftfahrtmedizin (Institute for Aviation Medicine) in Munich.

Wilhelm Beiglboeck: Consulting physician to the Luftwaffe.

Gerhard Rose: Generalarzt of the Luftwaffe (Brigadier General, Medical Service of the Air Force); Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Adviser for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

Siegfried Ruff: Director of the Department for Aviation Medicine at the Deutsche Versuchsanstalt fuer Luftfahrt (German Experimental Institute for Aviation).

Hans Wolfgang Romberg: Physician on the staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

Konrad Schaefer: Physician on the staff of the Institute for Aviation Medicine in Berlin.

Adolf Pokorny: Physician, specialist in skin and venereal diseases.

The indictment consisted of four counts. Count one charged participation in a common design or conspiracy to commit war crimes or crimes against humanity. The ruling of the tribunal disregarded this count, hence no defendant was found guilty of the crime charged in count one. Count two was concerned with war crimes and count three, with crimes against humanity. Fifteen defendants were found guilty, and eight were acquitted on these two counts. Ten defendants were charged under count four with membership in a criminal organization and were found guilty.

The transcripts also contain the arraignment and plea of each defendant (all pleaded not guilty), opening and closing statements of defense and prosecution, and the judgment and sentences, which acquitted 7 of the 23 defendants (Blome, Pokorny, Romberg, Rostock, Ruff, Schaefer, and Weltz). Death sentences were imposed on defendants Brack, Karl Brandt, Rudolf Brandt, Hoven, Gebhardt, Mrugowsky, and Sievers, and life imprisonment on Fischer, Genzken, Handloser, Rose, and Schroeder; varying terms of years were given to defendants Becker-Freyseng, Beiglboeck, Oberheuser, and Poppendick.

The English-language transcript volumes are arranged numerically, 1-30; pagination is continuous, 1-11538. The German-language transcript volumes are numbered 1a-30a and paginated 1-11756. The letters at the top of each page indicate morning, afternoon, and evening sessions. The letter "C" designates commission hearings (to save court time and to avoid assembling hundreds of witnesses at Nuernberg, in most of the cases one or more commissions took testimony and received documentary evidence for consideration by the tribunals). Several hundred pages are added to the transcript volumes and given number plus letter designations, such as page number 1044a. Page 1 in volume 1 (English) is preceded by pages numbered 001-039, while the last page of volume 28 (English) is followed by pages numbered 1-48.

Of the many documents assembled for possible prosecution use, 570 were chosen for presentation as evidence before the tribunal. These consisted largely of orders, directives, and reports on medical experiments or the euthanasia program; several interrogation reports; affidavits; and excerpts from the *Reichsgesetzblatt* (the official gazette of Reich laws) as well as correspondence. A number

of the medical reports were accompanied by series of photographs and charts of various experiments.

The first item in the arrangement of the prosecution exhibits is usually a certificate listing the document number, a short description of the exhibit, and a statement on the location of the original document of the exhibit. The certificate is followed by the document, the actual prosecution exhibit (most of which are photostats), and a few mimeographed articles with an occasional carbon of the original. In rare cases the exhibits are followed by translations or additional certificates. A few exhibits are original documents, such as:

<u>Exhibit No.</u>	<u>Doc. No.</u>	<u>Exhibit No.</u>	<u>Doc. No.</u>
301	NQ-1314	410	NO-158
307	NO-120	441	NO-1730
309	NO-131	443	NO-890
310	NO-132	451	NO-732
357	1696 PS	462	NO-1424
362	628 PS	507	NO-365
368	NO-817	546	NO-3347
403	616 PS		

No certificate is attached to several exhibits, including exhibits 433, 435-439, 462, 559, and 561. Following exhibit 570 is a tribunal exhibit containing the interrogation of three citizens of the Netherlands. Number 494 was not assigned, and exhibit 519 is followed by 519a and 519b.

Other than affidavits, the defense exhibits consist of newspaper clippings, reports, personnel records, *Reichsgesetzblatt* excerpts, and other items. There are 901 exhibits for the defendants. The defense exhibits are arranged by name of defendant and thereunder by exhibit number, each followed by a certificate wherever available.

The translations in the prosecution document books are preceded by indexes listing prosecution document numbers, biased descriptions, and page numbers of the translation. They are generally listed in the order in which the prosecution exhibits were introduced into evidence before the tribunal. Pages 81-84 of prosecution document book 1 are missing. Books 12, 16, and 19 are followed by addenda. The document books consist largely of mimeographed pages.

The defense document books are similarly arranged. Each book is preceded by an index giving document numbers, description, and page number for each exhibit. The corresponding exhibit numbers are generally not provided. There are several unindexed supplements to numbered document books. Prosecution and defense briefs are arranged alphabetically by names of defendants; final pleas and defense answers to prosecution briefs follow a similar

scheme. Pagination is consecutive, yet there are many pages where an "a" or "b" is added to the numeral.

The English-language final pleas, closing briefs, and replies to prosecution briefs of several defendants are missing, as are a few German-language closing briefs and replies to prosecution briefs.

At the beginning of roll 1 are filmed key documents from which Tribunal I derived its jurisdiction: the Moscow Declaration, U.S. Executive Orders 9547 and 9679, the London Agreement, the Berlin Protocol, the Charter of the International Military Tribunal, Control Council Law 10, U.S. Military Government Ordinances 7 and 11, and U.S. Forces, European Theater General Order 301. Following these documents of authorization is a list of the names and functions of the members of Tribunal I and counsels.

These documents are followed by the transcript covers giving such information as name and number of case, volume numbers, language, page numbers, and inclusive dates. They are followed by summaries of the daily proceedings providing an additional finding aid for the transcripts. The exhibits are listed in an index, which notes type of exhibit, exhibit number and name, corresponding document number and document book and page, a short description of the exhibit, and the date when it was offered in court. The official court file is indexed in the court docket, which is followed by a list of witnesses.

Not filmed were records duplicated elsewhere in this microfilm publication, such as prosecution and defense document books in the German language that are largely duplications of prosecution and defense exhibits already microfilmed or opening statements of prosecution and defense, which can be found in the transcripts of the proceedings.

The records of the Brandt case are closely related to other microfilmed records in Record Group 238, specifically prosecution exhibits submitted to the International Military Tribunal, T988; NI (Nuernberg Industrialist) Series, T301; NOKW (Nuernberg Armed Forces High Command) Series, T1119; NG (Nuernberg Government) Series, T1139; and records of the Milch case, M888, the List case, M893, the Greifelt case, M894, and the Ohlendorf case, M895. In addition, the record of the International Military Tribunal at Nuernberg has been published in *Trial of the Major War Criminals Before the International Military Tribunal* (Nuernberg, 1947), 42 vols. Excerpts from the subsequent proceedings have been published as *Trials of War Criminals Before the Nuernberg Military Tribunal Under Control Council Law No. 10* (U.S. Government Printing Office: 1950-53), 15 vols. The Audiovisual Archives Division of the National Archives and Records Service holds motion picture records and photographs of all 13 trials and tape recordings of the International Military Tribunal proceedings.

John Mendelsohn wrote these introductory remarks and arranged the records for microfilming in collaboration with George Chalou.

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 2

Target 1

Volume 1

Nov. 21-Dec. 12, 1946

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 1**

**TRANSCRIPTS
(English)**

21 November - 12 December 1946 pp. 01-039, 1-364

COLLECTED COPY

OFFICIAL TRANSCRIPT OF THE MILITARY TRIBUNAL
IN THE MATTER OF THE UNITED STATES OF AMERICA
AGAINST KARL BRANDT ET AL, DEFENDANTS,
SITTING AT MUNICH, GERMANY, ON 21 NOVEMBER
1946, 1000-1110, JUSTICE SEALS PRESIDING.

THE PRESIDENT: We will now proceed to arraign the defendants on the
cause now pending before this Tribunal. As the names of the defendants
are called each defendant will stand, and will remain standing until
told to be seated. Mr. Secretary General of the Tribunal will call
the roll of the defendants.

(The Secretary General: KARL BRANDT, SIEGFRIED HANDLOSER, PAUL
ROSTOCK, OSKAR SCHROEDER, KARL GENZKEN, KARL GEBHART, KURT BLOME,
RUDOLF BAUMDT, JOACHIM MUDGOWSKY, HELMUT POPFENDICK, WOLFGANG SIEVERS,
GERHARD ROSE, SIEGFRIED RUFF, HANS WOLFGANG ROMBERG, VICTOR BRACK,
HERMANN BECKEY-FREISING, GEORG AUGUST WEITZ, KONRAD SCHLEIFER, WALDEMAR
HOVEN, WILHELM BRIGLEBOECK, ADOLF FOMKOWSKI, HERTA OBERHEUSER, FRITZ
FISCHER.

THE SECRETARY GENERAL: The Honorable Tribunal, please, all of the
defendants are in the dock.

THE PRESIDENT: The defendants will be seated.

The counsel for the Prosecution will now proceed with the arraign-
ment of the defendants.

GENERAL TAYLOR: The United States of America, by the undersigned
Telford Taylor, Chief of Counsel for War Crimes, duly appointed to
represent said Government in the prosecution of war criminals, charges
that the defendants herein participated in a Common Design or Con-
spiracy to commit and did commit War Crimes and Crimes against Humanity,
as defined in Control Council Law No. 10, duly enacted by the Allied
Control Council on 20 December 1945. These crimes include murders,
brutalities, cruelties, tortures, atrocities, and other inhumane acts,
as set forth in Counts One, Two, and Three of this Indictment. Certain
defendants are further charged with membership in a Criminal Organi-
zation, as set forth in Count Four of this Indictment.

The persons accused as guilty of these crimes and accordingly
named as defendants in this cause are:

KARL BRANDT - Personal Physician to Adolf Hitler, Gruppenfuhrer in the SS and Generalleutnant in the Waffen SS; Reich Commissioner for Health and Sanitation; and member of the Reich Research Council.

SIEGFRIED RUNDLOSER - Generaloberstabsarzt; Medical Inspector of the Army; and Chief of the Medical Services of the Armed Forces.

PAUL ROSTOCK - Chief Surgeon of the Surgical Clinic in Berlin; Surgical Advisor to the Army; and Chief of the Office for Medical Science and Research under the defendant Karl Brandt, Reich Commissioner for Health and Sanitation.

OSKAR SCHLAEDER - Generaloberstabsarzt; Chief of Staff of the Inspectorate of the Medical Service of the Luftwaffe; and Chief of the Medical Service of the Luftwaffe.

KARL GEBZEK - Gruppenfuhrer in the SS and Generalleutnant in the Waffen SS and Chief of the Medical Department of the Waffen SS.

KARL GEBHARDT - Gruppenfuhrer in the SS and Generalleutnant in the Waffen SS; Personal Physician to Reichsfuhrer SS Himmler; Chief Surgeon of the Staff of the Reich Physician SS and Police; and President of the German Red Cross.

KURT BLOME - Deputy Reich Health Leader; and Plenipotentiary for Cancer Research in the Reich Research Council.

WOLFGANG BLUM - Standartenfuhrer in the Allgemeine SS; Personal Administrative Officer to Reichsfuhrer SS Himmler; and Ministerial Councillor and Chief of the Ministerial Office in the Reich Ministry of the Interior.

JOACHIM WAGGONSKY - Oberfuhrer in the Waffen SS; Chief Hygienist of the Reich Physician SS and Police; and Chief of the Hygienic Institute of the Waffen SS.

HELMUT FORSTENDICK - Oberfuhrer in the SS and Chief of the Personal Staff of the Reich Physician SS and Police.

WOLFRAM SIEVERS - Standartenfuhrer in the SS; Reich Manager of the "Ahnenerbe" Society and Director of its Institute for Military Scientific Research; and Deputy Chairman of the Managing Board of Directors of the Reich Research Council.

GERHARD ROSE - Generalarzt of the Luftwaffe; Vice President, Chief of the Department for Tropical Medicine, and Professor of the Robert Koch Institute; and Hygienic Advisor for Tropical Medicine to the Chief of the Medical Service of the Luftwaffe.

SIEGFRIED REFF - Director of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

HANS WOLFGANG ROMBERG - Doctor on the Staff of the Department for Aviation Medicine at the German Experimental Institute for Aviation.

VICTOR BRACK - Oberführer in the SS and Sturmabführer in the Waffen SS; and Chief Administrative Officer in the Chancellery of the Führer of the NSDAP.

HERMANN BECKEN-FREYSENG - Stabsarzt in the Luftwaffe; and Chief of the Department for Aviation Medicine of the Chief of the Medical Service of the Luftwaffe.

GEORG AUGUST BELTZ - Oberfeldarzt in the Luftwaffe; and Chief of the Institute for Aviation Medicine in Munich.

HOWARD SCHAEFER - Doctor on the Staff of the Institute for Aviation Medicine in Berlin.

WILHELM HOFER - Hauptsturmführer in the Waffen SS; and Chief Doctor of the Buchenwald Concentration Camp.

WILHELM BRIGLESBOECK - Consulting Physician to the Luftwaffe.

ADOLF FOMKOV - Physician, Specialist in Skin and Venereal Diseases.

HEINZ OBERHEUSER - Physician at the Ravensbruck Concentration Camp; and Assistant Physician to the defendant Gebhardt at the Hospital at Hohenlychen.

FRITZ FISCHER - Sturmabführer in the Waffen SS; and Assistant Physician to the defendant Gebhardt at the Hospital at Hohenlychen.

COUNT ONE - THE COMMON DESIGN OR CONSPIRACY

1. Between September 1939 and April 1945 all of the defendants herein, acting pursuant to a common design, unlawfully, wilfully, and knowingly did conspire and agree together and with each other and with diverse other persons, to commit War Crimes and Crimes against Humanity, as defined in Central Council Law No. 10, Article II.

2. Throughout the period covered by this Indictment all of the defendants herein, acting in concert with each other and with others, unlawfully, wilfully, and knowingly were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the commission of War Crimes and Crimes against Humanity.

3. All of the defendants herein, acting in concert with others for whose acts the defendants are responsible unlawfully, wilfully, and knowingly participated as leaders, organizers, instigators, and accomplices in the formulation and execution of the said common design, conspiracy, plans and enterprises to commit, and which involved the commission of, War Crimes and Crimes against Humanity.

4. It was a part of the said common design, conspiracy, plans and enterprises to perform medical experiments upon concentration camp inmates and other living human subjects, without their consent, in the course of which experiments the defendants committed the murders, brutalities, cruelties, tortures, and other inhumane acts, here fully described in Counts Two and Three of the Indictment.

5. The said common design, conspiracy, plans and enterprises embraced the commission of War Crimes and Crimes against Humanity, as set forth in Counts Two and Three of this Indictment, in that the defendants unlawfully, wilfully, and knowingly encouraged, aided, abetted, and participated in the subject of thousands of persons, including civilians, and members of the armed forces of nations then at war with the German Reich, to murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts.



COUNT TWO - WAR CRIMES

6. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Central Council Law No. 10, in that they were principals, in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments without the subject's consent, upon civilians and members of the armed forces of nations then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. Such experiments included, but were not limited to, the following:

(A) HIGH ALTITUDE EXPERIMENTS. From about March 1942 to about August 1942 experiments were conducted at the Dachau Concentration Camp for the benefit of the German Air Force to investigate the limits of human endurance and existence at extremely high altitudes. The experiments were carried out in a low-pressure chamber in which the atmospheric conditions and pressures prevailing at high altitude (up to 66,000 feet) could be duplicated. The experimental subjects were placed in the low-pressure chamber and thereafter the simulated altitude therein was raised. Many victims died as a result of these experiments and others suffered grave injury, torture, and ill treatment. The defendants Karl Brandt, Handloser, Schroeder, Gebhardt, Rudolf Brandt, Bruggewsky, Poppendick, Sievers, Ruff, Rosenberg, Becker-Freyseng, and Koltz are charged with special responsibility for and participation in these crimes.

(B) FREEZING EXPERIMENTS. From about August 1942 to about May 1943 experiments were conducted at the Dachau Concentration Camp primarily for the benefit of the German Air Force to investigate the most effective means of treating persons who had been severely chilled or frozen. In one series of experiments the subjects were forced to remain in a tank of ice water for periods up to three hours. Extreme rigor developed in a short time. Numerous victims died in the course of these experiments. After the survivors were severely chilled, rewarming was attempted by various means. In another series of experiments,

the subject were kept naked outdoors for many hours at temperatures below freezing. The victims screamed with pain as parts of their bodies froze. The defendants Karl Brandt, Handloser, Schroeder, Gebhardt, Rudolf Brandt, Krugowsky, Poppendick, Siemers, Becker-Freyseng, and Woltz are charged with special responsibility for and participation in these crimes.

(C) MALARIA EXPERIMENTS. From about February 1942 to about April 1945 experiments were conducted at the Dachau Concentration Camp in order to investigate immunization for and treatment of malaria. Healthy concentration camp inmates were infected by mosquitoes or by injections of extracts of the mucus glands of mosquitoes. After having contracted malaria the subjects were treated with various drugs to test their relative efficiency. Over 1,000 involuntary subjects were used in experiments. Many of the victims died and others suffered severe pain and permanent disability. The defendants Karl Brandt, Handloser, Rostock, Gebhardt, Blume, Rudolf Brandt, Krugowsky, Poppendick, and Siemers are charged with special responsibility for and participation in these crimes.

(D) LOST (MUSTARD) GAS EXPERIMENTS. At various times between September 1939 and April 1945 experiments were conducted at Sachsenhausen, Netzweller, and other concentration camps for the benefit of the German Armed Forces to investigate the most effective treatment of wounds caused by Lost gas. Lost is a poison gas which is commonly known as Mustard gas. Wounds deliberately inflicted on the subjects were infected with Lost. Some of the subjects died as a result of these experiments and others suffered intense pain and injury. The defendants Karl Brandt, Handloser, Blume, Rostock, Gebhardt, Rudolf Brandt, and Siemers are charged with special responsibility for and participation in these crimes.

(E) SULFANILAMIDE EXPERIMENTS. From about July 1942 to about September 1943 experiments to investigate the effectiveness of sulfanilamide were conducted at the Ravensbruck Concentration Camp for the benefit of the German Armed Forces. Wounds deliberately inflicted on the experimental subjects were infected with bacteria such as streptococcus, gas gangrene, and tetanus. Circulation of blood was interrupted by tying off blood vessels at both ends of

the wound to create a condition similar to that of a battlefield wound. Infection was aggravated by forcing wood shavings and ground glass into the wounds. The infection was treated with sulfanilamide and other drugs to determine their effectiveness. Some subjects died as a result of these experiments and others suffered serious injury and intense agony. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Gensken, Gebhardt, Blome, Rudolf Brandt, Hrugowsky, Poppendick, Becker-Freysong, Oberheuser, and Fischer are charged with special responsibility for and participation in these crimes.

(F) BONE, MUSCLE, AND NERVE REGENERATION AND BONE TRANSPLANTATION EXPERIMENTS. From about September 1942 to about December 1943 experiments were conducted at the Ravensbruck Concentration Camp for the benefit of the German Armed Forces to study bone, muscle, and nerve regeneration, and bone transplantation from one person to another. Sections of bones, muscles, and nerves were removed from the subjects. As a result of these operations, many victims suffered intense agony, mutilation, and permanent disability. The defendants Karl Brandt, Handloser, Rostock, Gebhardt, Rudolf Brandt, Oberheuser, and Fischer are charged with special responsibility for and participation in these crimes.

(G) SEAWATER EXPERIMENTS. From about July 1944 to about September 1944 experiments were conducted at the Dachau Concentration Camp for the benefit of the German Air Force and Navy to study various methods of making seawater drinkable. The subjects were deprived of all food and given only chemically processed seawater. Such experiments caused great pain and suffering and resulted in serious bodily injury to the victims. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Hrugowsky, Poppendick, Sievers, Becker-Freysong, Schaefer, and Baiglebock are charged with special responsibility for and participation in these crimes.

(H) EPIDEMIC JAUNDICE EXPERIMENTS. From about June 1943 to about January 1945 experiments were conducted at the Sachsenhausen and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the causes of, and inoculations against, epidemic jaundice. Experimental subjects were

deliberately infected with epidemic jaundice, some of whom died as a result, and others were caused great pain and suffering. The defendant Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievera, Rose, and Becker-Freyseng are charged with special responsibility for and participation in these crimes.

(I) STERILIZATION EXPERIMENTS. From about March 1941 to about January 1945 sterilization experiments were conducted at the Auschwitz and Ravensbruck Concentration Camps, and other places. The purpose of these experiments was to develop a method of sterilization which would be suitable for sterilizing millions of people with a minimum of time and effort. These experiments were conducted by means of X-Ray, surgery, and various drugs. Thousands of victims were sterilized and thereby suffered great mental and physical anguish. The defendants Karl Brandt, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Brack, Pokerny, and Oberhauser are charged with special responsibility for and participation in these crimes.

(J) SPOTTED FEVER EXPERIMENTS. From about December 1941 to about February 1945 experiments were conducted at the Buchenwald and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the effectiveness of spotted fever and other vaccines. At Buchenwald numerous healthy inmates were deliberately infected with spotted fever virus in order to keep the virus alive; over 90% of the victims died as a result. Other healthy inmates were used to determine the effectiveness of different spotted fever vaccines and of various chemical substances. In the course of these experiments 75% of the selected number of inmates were vaccinated with one of the vaccines or nourished with one of the chemical substances and, after a period of three to four weeks, were infected with spotted fever germs. The remaining 25% were infected without previous protection in order to compare the effectiveness of the vaccines and the chemical substances. As a result, hundreds of the persons experimented upon died. Experiments with yellow fever, smallpox, typhus, paratyphus A and B, cholera, and diphtheria were also conducted. Similar experiments with like results were conducted at Natzweiler

deliberately infected with epidemic jaundice, some of whom died as a result, and others were caused great pain and suffering. The defendant Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Rose, and Becker-Freyseng are charged with special responsibility for and participation in these crimes.

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Concentration Camp. The defendants Karl Brandt, Handloser, Rostock, Schröder, Gensken, Gebhardt, Rudolf Brandt Krugowsky, Poppendick, Bievers, Rase, Becker-Freysang, and Hoven are charged with special responsibility for and participation in these crimes.

(K) EXPERIMENTS WITH POISON. In or about December 1943 and in or about October 1944 experiments were conducted at the Buchenwald Concentration Camp to investigate the effect of various poisons upon human beings. The poisons were secretly administered to experimental subjects in their food. The victims died as a result of the poison or were killed immediately in order to permit autopsies. In or about September 1944 experimental subjects were shot with poison bullets and suffered torture and death. The defendants Gensken, Gebhardt, Krugowsky, and Poppendick are charged with special responsibility for and participation in these crimes.

(L) INCENDIARY BOMB EXPERIMENTS. From about November 1943 to about January 1944 experiments were conducted at the Buchenwald Concentration Camp to test the effect of various pharmaceutical preparations on phosphorus burns. These burns were inflicted on experimental subjects with phosphorus matter taken from incendiary bombs, and caused severe pain, suffering, and serious bodily injury. The defendants Gensken, Gebhardt, Krugowsky, and Poppendick are charged with special responsibility for and participation in these crimes.



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7. Between June 1943 and September 1944 the defendants Rudolf Brandt and Sievers unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder of civilians and members of the armed forces of nations then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control. One Hundred twelve Jews were selected for the purpose of completing a skeleton collection for the Reich University of Strassbourg. Their photographs and anthropological measurements were taken. Then they were killed. Thereafter, comparison tests, anatomical research, studies regarding race, pathological features of the body, form and size of the brain, and other tests, were made. The bodies were sent to Strassbourg and defleshed.

8. Between May 1942 and January 1943 the defendants Blome and Rudolf Brandt unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder and mistreatment of tens of thousands of Polish nationals who were civilian and members of the armed forces of a nation then at war with the German Reich and who were in the custody of the German Reich in exercise of belligerent control. These people were alleged to be infected with incurable tuberculosis. On the group of insuring the health and welfare of Germans in Poland, many tubercular Poles were ruthlessly exterminated while others were isolated in death camps with inadequate medical facilities.

9. Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, and Hoven unlawfully, wilfully, and knowingly committed War Crimes, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia" program of the German Reich in the course of which the

defendants herein murdered hundreds of thousands of human beings, including nationals of German-occupied countries. This program involved the systematic and secret execution of the aged, insane, incurably ill, of deformed children, and other persons, by gas, lethal injections, and diverse other means in nursing homes, hospitals, and asylums. Such persons were regarded as "useless eaters" and a burden to the German war machine. The relatives of these victims were informed that they died from natural causes, such as heart failure. German doctors involved in the "euthanasia" program were also sent to the Eastern occupied countries to assist in the mass extermination of Jews.

10. The said War Crimes constitute violations of international conventions, particularly of Articles 4, 5, 6, 7, and 46 of the Hague Regulations, 1907, and of Articles 2, 3, and 4 of the Prisoner-of-war Convention (Geneva, 1929), the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT THREE -- CRIMES AGAINST HUMANITY.

11. Between September 1939 and April 1945 all of the defendants herein unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving medical experiments, without the subjects' consent, upon German civilians and nationals of other countries, in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities, and other inhumane acts. The particulars concerning such experiments are set forth in Paragraph 6 of Count Two of this Indictment and are incorporated herein by reference.

12. Between June 1943 and September 1944 the defendants Rudolf Brandt and Sivers unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted, took a consenting part

in, and were connected with plans and enterprises involving the murder of German civilians and nationals of other countries. The particulars concerning such murders are set forth in Paragraph 7 of Count Two of this Indictment and are incorporated herein by reference.

13. Between May 1942 and January 1943 the defendants Blome and Rudolf Brandt unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted took a consenting part in, and were connected with plans and enterprises involving the murder and mistreatment of tens of thousands of Polish nationals. The particulars concerning such murder and inhumane treatment are set forth in Paragraph 8 of the Count two of this Indictment and are incorporated herein by reference.

14. Between September 1939 and April 1945 the defendants Karl Brandt, Blome, Brack, Hoven unlawfully, wilfully, and knowingly committed Crimes against Humanity, as defined by Article II of Control Council Law No. 10, in that they were principals in, accessories to, ordered, abetted took a consenting part in, and were connected with plans and enterprises involving the execution of the so-called "euthanasia" program of the German Reich, in the course of which the defendants herein murdered hundreds of thousands of human beings, including German civilians, as well as civilians of other nations. The particulars concerning such murders are set forth in Paragraph 9 of Count Two of this Indictment and are incorporated herein by reference.

15. The said Crimes against Humanity constitute violations of international conventions, including Article 46 of the Hague Regulations, 1907, the laws and customs of war, the general principles of criminal law as derived from the criminal laws of all civilized nations, the internal penal laws of the countries in which such crimes were committed, and of Article II of Control Council Law No. 10.

COUNT FOUR — MEMBERSHIP IN CRIMINAL ORGANIZATION

16. The defendants Karl Brandt, Gunkel, Gebhardt, Rudolf Brandt, Mrugowsky, Poppendick, Sievers, Brack, Hoven, and Fischer are guilty of

membership in an organization declared to be criminal by the International Military Tribunal in Case No. 1 in that each of the said defendants was a member of DIE SCHUTZSTAFFELN DER NATIONAL SOZIALISTISCHEN DEUTSCHEN ARBEITER-PARTEI commonly known as the "SS" after 1 September 1939. Such membership is in violation of Paragraph I (d) Article II of Control Council Law No. 10.

Therefore, this Indictment is filed with the Secretary General of the Military Tribunals and the charges herein made against the above named defendants are hereby presented to MILITARY TRIBUNAL NO. I.

TELFORD TAYLOR
Brigadier General, USA
Chief of Counsel for War Crimes
Acting on Behalf of the United States of America.



Nurnberg, 25 October, 1946.

PRESIDING JUDGE WALTER B. BEALS: I shall now call upon the defendants to plead guilty or not guilty to the charges against them. Each defendant, as his name is called, will stand and speak into the microphone. At this time there will be no arguments, speeches, or discussion of any kind. Each defendant will simply plead either guilty or not guilty to the offenses with which he is charged by the indictment. Karl Brandt.

DR. PELCKMANN: Mr. Chairman, before the defendant pleads guilty or not guilty, may I ask to say a word? I am the defense counsel for the Defendant Schrofer, Number 18.

PRESIDING JUDGE WALTER B. BEALS: For which defendant?

DR. PELCKMANN: Schrofer, Number 18.

PRESIDING JUDGE WALTER B. BEALS: We are now receiving the plea of the Defendant Karl Brandt. You do not represent him as counsel, do you?

DR. PELCKMANN: No.

PRESIDING JUDGE WALTER B. BEALS: Then I see no reason for counsel for another defendant making any remarks at this time.

DR. PELCKMANN: May I ask to speak before the Defendant Schrofer speaks? A formal objection.

PRESIDING JUDGE WALTER B. BEALS: When the name of the Defendant Schrofer is called, you may address the Court.

Karl Brandt, are you represented by counsel in the proceeding?

DEFENDANT KARL BRANDT: Yes.

PRESIDING JUDGE WALTER B. BEALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty or not guilty?

DEFENDANT KARL BRANDT: Not guilty.

PRESIDING JUDGE WALTER B. BEALS: Be seated.

Siegfried Handloser, are you represented by counsel in this cause?

DEFENDANT SIEGFRIED HANDLOSER: No, I have no counsel yet.

PRESIDING JUDGE WALTER B. BEALS: Do you desire that the Tribunal appoint counsel for you?

DEFENDANT SIEGFRIED HANDLOSER: I hope that today or tomorrow I may receive an affirmative answer from a defense counsel.

PRESIDING JUDGE WALTER B. BEALS: Are you at this time ready to plead to the indictment, guilty or not guilty?

DEFENDANT SIEGFRIED HANDLOSER: Yes.

PRESIDING JUDGE WALTER B. BEALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty or not guilty?

DEFENDANT SIEGFRIED HANDLOSER: Not guilty.

PRESIDING JUDGE WALTER B. BEALS: Be seated.

Paul Rostock, are you represented by counsel in this cause?

DEFENDANT PAUL ROSTOCK: Yes.

PRESIDING JUDGE WALTER B. BEALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty or not guilty?

DEFENDANT PAUL ROSTOCK: I am not guilty.

PRESIDING JUDGE WALTER B. BEALS: Be seated.

Oskar Schroeder, are you represented by counsel in this proceeding?

DEFENDANT OSKAR SCHROEDER: Yes.

PRESIDING JUDGE WALTER B. BEALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty



or not guilty?

Defendant Oskar SCHROEDER: Not Guilty.

PRESIDING JUDGE WALTER D. BRALS: Be seated.

Karl Genken, are you represented by counsel in this proceeding?

DEFENDANT KARL GENKEN: Yes.

PRESIDING JUDGE WALTER D. BRALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty or not guilty?

DEFENDANT KARL GENKEN: Not guilty.

PRESIDING JUDGE WALTER D. BRALS: Karl Genhardt, are you represented by counsel in this proceeding?

DEFENDANT KARL GENHARDT: Yes.

PRESIDING JUDGE WALTER D. BRALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty or not guilty?

DEFENDANT KARL GENHARDT: Not guilty.

PRESIDING JUDGE WALTER D. BRALS: Kurt Allen, are you represented by counsel in this proceeding?

DEFENDANT KURT ALLEN: Yes.

PRESIDING JUDGE WALTER D. BRALS: How do you plead to the charges and specifications and each thereof set forth in the indictment against you, guilty or not guilty?

DEFENDANT KURT ALLEN: Not guilty.

PRESIDING JUDGE WALTER D. BRALS: Be seated, Rudolf Brandt, are you represented by counsel in this proceeding?

DEFENDANT RUDOLF BRANDT: Yes.

PRESIDING JUDGE WALTER D. BRALS: How do you plead to the charges and specifications set forth in the indictment against you and to each one thereof, guilty or not guilty?

DEFENDANT RUDOLF BRANDT: Not guilty.

PRESIDING JUDGE WALTER D. BRALS: Be seated. Mr. Sebring, will you continue?

JUDGE HAROLD L. SEHRING: Joachim Mrugowsky, are you represented by counsel?

DEFENDANT JOACHIM MRUGOWSKY: Yes.

JUDGE HAROLD L. SEHRING: You have heard the charges contained in the indictment against you. How do you plead, guilty or not guilty?

DEFENDANT JOACHIM MRUGOWSKY: I am not guilty.

JUDGE HAROLD L. SEHRING: Helmut Poppendick, are you represented by counsel before this Tribunal?

DEFENDANT HELMUT POPPENDICK: Yes.

JUDGE HAROLD L. SEHRING: You have heard the charges contained in the indictment against you. How do you plead, guilty or not guilty?

DEFENDANT HELMUT POPPENDICK: Not guilty.

JUDGE HAROLD L. SEHRING: Be seated.



JUDGE SERRING: Wolfram Sievers are you represented by Counsel before this Tribunal?

WOLFRAM SIEVERS: Yes.

JUDGE SERRING: You have heard the charges contained in the indictment now pending against you. How do you plead, guilty or not guilty?

WOLFRAM SIEVERS: Not guilty.

JUDGE SERRING: Gerhard Rose.

Gerhard Rose, are you represented by Counsel before this Tribunal?

GERHARD ROSE: Yes.

JUDGE SERRING: You have heard the charges contained in the indictment filed by the Prosecution. How do you plead, guilty or not guilty?

GERHARD ROSE: Not guilty.

JUDGE SERRING: Be seated.

Siegfried Ruff.

Siegfried Ruff, are you represented by Counsel before this Tribunal?

SIEGFRIED RUFF: Yes.

JUDGE SERRING: You have heard the charges contained in the indictment filed before this Tribunal. How do you plead, guilty or not guilty?

SIEGFRIED RUFF: Not guilty.

JUDGE SERRING: Hans Wolfgang Bomberg. Defendant, are you represented by Counsel?

HANS WOLFGANG BOMBERG: Yes.

JUDGE SERRING: You have heard the charges in the indictment now pending before this Tribunal. How do you plead, guilty or not guilty?

HANS WOLFGANG BOMBERG: Not guilty.

JUDGE SERRING: Viktor Brack. Are you represented by Counsel before this Tribunal.

VIKTOR BRACK: Yes.

JUDGE SERRING: You have heard the charges contained in the indictment filed by the Prosecution. How do you plead, guilty or not guilty?

VIKTOR BRACK: Not guilty.

JUDGE SERRING: Hermann Becker-Freytag.

Are you represented by Counsel?

HERMANN BLOCHER-FREYSENG: Yes.

JUDGE SEERING: You have heard the charges in the indictment now pending before this Tribunal. How do you plead, guilty or not guilty?

HERMANN BLOCHER-FREYSENG: Not guilty.

JUDGE SEERING: Be seated.

PRESIDING JUDGE BEALS: Judge Crawford, will you proceed with the arraignment of the defendants?

JUDGE CRAWFORD: Georg August Wetz.

Are you represented by Counsel before this Tribunal?

GEORG AUGUST WELTZ: Yes.

JUDGE CRAWFORD: How do you plead to the charges set forth in the indictment against you? Do you plead guilty or not guilty?

GEORG AUGUST WELTZ: Not guilty.

JUDGE CRAWFORD: Be seated.

Konrad Schaefer.

DR. PELCEMANN: Your Honor, may I ask to speak?

PRESIDING JUDGE BEALS: What is the purpose of the remarks you desire to make?

DR. PELCEMANN: I should like to object to the indictment. I should like to say that in my opinion, as far as Schaefer is concerned, the indictment does not conform to Article VII. I can explain that.

PRESIDING JUDGE BEALS: How much time do you desire to present your argument?

DR. PELCEMANN: Three minutes.

PRESIDING JUDGE BEALS: You may proceed. First, have you filed in the proceeding any written notice of the objection to the indictment and served it upon the Prosecutor?

DR. PELCEMANN: I have not had the indictment long enough. I have just had the written material for two days. What I have to say I could submit in writing later. Because of the brief time, I ask to be allowed to make a brief statement now.

PRESIDING JUDGE BEALS: You may make a brief statement and submit argument in support of your objection within five days.

DR. PHICKMANS: Very well. May I now say something?

PRESIDING JUDGE BEALS: You may proceed for three minutes.

DR. PHICKMANS: Ordinance VII, in Article 4a prescribes the following according to the English text: "The Indictment shall state the charges plainly, concisely with sufficient particulars to inform the Defendant of the offenses charged" Schaefer is charged only on one count, Count II-C. Experiments with sea-water in Dachau are charged against 12 defendants. In two sentences, the indictment goes on to say that the 12 persons who are then named are charged with special responsibility for these crimes and participation in them. I am of the opinion that this does not contain sufficient particulars. "Responsibility" and "participation" are legal concepts. There is no evidence of "sufficient particulars" which implies details.

The Indictment, in my opinion, must give facts to indicate how and why each one of these 12 defendants who, ostensibly, participated in these experiments, is responsible and participated. My client cannot tell what the nature of his participation is supposed to have been.

The Indictment says, on Count I, No. 3, that all defendants were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving, the commission of War Crimes and Crimes against Humanity. These also are only legal concepts.

PRESIDING JUDGE BEALS: You may file a written brief in support of your position.

DR. PHICKMANS: I should like to add, without the knowledge of the Indictment, my client is not ready to answer the question as to whether he is guilty or not guilty.

PRESIDING JUDGE BEALS: You will serve a copy of your brief upon the Prosecution and file it with the Secretary-General.

DR. PHICKMANS: Very well, Your Honor.

PRESIDING JUDGE BEALS: In connection with this matter, General Taylor, do you desire to make any remarks or suggestions?

BRIGADIER GENERAL TELFORD TAYLOR: Your Honor, needless to say, we have no objection to the making of this motion or the filing of

this brief. It is needless to say, also, we think the Indictment quite adequately specifies the date, place and type of experiment charged. The Defendant's connection with it is better known to the Defendant than to anyone else. There is no reason why he should not enter his plea at this time.

JUDGE SLERING: That would not go to the jurisdictional aspect of the Indictment, but it would go to the question of particulars. The consideration is whether or not upon the showing of the motion, more particulars as to the charges specified, should be included. Do you understand my point?

BRIGADIER GENERAL TELFORD TAYLOR: I am sorry, sir, I cannot hear from here. It is not quite loud enough.

JUDGE SLERING: It would be my view that this motion could not, in any particular, be considered as going to the jurisdiction either of the charge or of the right of the Tribunal to entertain the charge. This matter is, in essence, a motion for a better Bill of Particulars as to the specific charge.

BRIGADIER GENERAL TELFORD TAYLOR: Yes, Your Honor. That is what I understood. The Prosecution will consider the motion, and if need be submit particulars, although we think the indictment is adequate enough. We think there is not challenge of the jurisdiction. The Defendant should be required to properly plea.

JUDGE CRAWFORD: How do you plead to the charges against you?

KONRAD SCHAEFER: Not guilty.

PRESIDING JUDGE BLAIS: Be seated.

His plea is received without prejudice to any rights the Defendant may have.

JUDGE CRAWFORD: Waldemar Hoven. Are you represented by Counsel?

WALDEMAR HOVEN: Yes.

JUDGE CRAWFORD: How do you plead to the charges against you?

WALDEMAR HOVEN: Not guilty.

JUDGE CRAWFORD: Be seated.

Wilhelm Beiglboeck. Are you represented by Counsel before the Tribunal?

WILHELM BILGEBOMCK: Not yet. I have a defense counsel, but he has not appeared.

JUDGE CRAWFORD: Very well. How do you plead to the charges filed against you?

WILHELM BILGEBOMCK: Not guilty.

JUDGE CRAWFORD: You may be seated.

Adolf Pokorny.

Are you represented by Counsel?

ADOLF POKORNY: Yes.

JUDGE CRAWFORD: How do you plead?

ADOLF POKORNY: Not guilty.

JUDGE CRAWFORD: Be seated.

Herta Oberhauser.

Are you represented by Counsel before this Tribunal?

HERTA OBERHAUSER: Yes.

JUDGE CRAWFORD: How do you plead to the charges and specifications?

HERTA OBERHAUSER: Not guilty.

JUDGE CRAWFORD: You may be seated.

Fritz Fischer.

Are you represented by Counsel before this Tribunal?

FRITZ FISCHER: Yes.

JUDGE CRAWFORD: How do you plead to the charges set forth in the Indictment against you, guilty or not guilty?

FRITZ FISCHER: Not guilty.

JUDGE CRAWFORD: You may be seated.

PRESIDING JUDGE REALS: The Tribunal sets Monday, December 9, 1945, as the date of the Trial upon the Indictment now pending before the Tribunal.

MR. SERVATIUS: Servetius for the Defendant Karl Brandt. Your Honor, may I make an application regarding the submission of documents by the Prosecution?

PRESIDING JUDGE REALS: You may state your application.

MR. SERVATIUS: Your Honor, I ask the Tribunal to instruct the Prosecution that the documents be submitted to the Defense in time, the

documents on which the charge is based. This would make the proceedings easier and give the Defense an opportunity to examine the documents in time, and to obtain counterproof.

In the first trial before the International Military Tribunal, we were given a list of documents with the indictment; although these documents were not enclosed, we could look at them and we could work on them. Up to now we have nothin on which we can build our defense. In other words, on the 9th of December, we will have proceeded no further than today, and we will not be able to advise our clients.

PRESIDING JUDGE REALS: You may be seated and we will hear from the Prosecution, Brigadier General Telford Taylor



BRIGADIER GENERAL TIMFORD TAYLOR: Your Honor, the counsel for the defense that has just spoken is thoroughly familiar with the procedure used in the prior case. The prosecution in this case plans to follow the same procedures and give the defense counsel the same opportunities and, if possible, more. The Defendant's Information Center, which is the place where the documents have in the past been made available; will be supplied in advance with copies of the documents on which our evidence is based. I would suggest, Your Honor, that after all counsel for the defense are here that it would be most useful if there be a meeting between representatives of the prosecution and the defense so that these procedures can be developed. But at the moment only half of the counsel for the defense are here and it would be economical if these matters could be arranged after these matters could be arranged after they are all present.

DR. ROBERT SERVATIUS: Your Honor, may I ask one question? May I add one thing, that the documents be given to us in German. In the previous trial, there was difficulty at the beginning because we got them to you in English.

JUDGE BEALS: I believe if counsel for the defense will refer to his rules promulgated by this Tribunal on November 3, 1946, you will see that a requirement is made that all such matters be submitted in a language that is understood by each of the defendants.

DR. ROBERT SERVATIUS: Yes, but for technical reasons that was not always done. There were great difficulties. The conference with the prosecution will make that possible to eliminate the difficulties. If it is not possible, I will address the Court again.

JUDGE BEALS: Do you have anything further, General Taylor?

GENERAL TAYLOR: Your Honor, the prosecution merely wishes to note that it has filed with the Secretary General a motion to amend the indictment in Paragraph 8 of Count 2, Paragraph 13 of Count 3, by changing 1943 to 1944. The motion has been filed with the Secretary General and copies of the motion are in German and are in the hands of the defense counsel.

JUDGE BEALS: How many of the defendants are concerned with the amendment to the indictment? My point is that if the —

MR. McMAHER: It the Tribunal please, the amendment occurs first in Paragraph 8 on Page 14 of the indictment and it affect only two of the defendants; namely, Blome and Rudolf Brandt. The amendment is also made in Paragraph 15 because the same facts are there charged as a crime against humanity. In Paragraph 13 only the same two defendants are involved; that is, defendant Blome and Rudolf Brandt.

JUDGE BAILE: What are the particulars of the amendment?

MR. McMAHER: The only change made by the amendment is to say the date January 1944 for the date January 1943; in other words, it extends the period covered by the crime for one year. The date 1943 was inserted by mistake in the indictment as filed with the Tribunal.

JUDGE BAILE: Are those two defendants represented by counsel here present this morning?

MR. McMAHER: I think that Rudolf Brandt answered "Yes". And also Kurt Blome answered with, yes, Your Honor.

JUDGE BAILE: Was this motion been served upon counsel for these two defendants?

MR. McMAHER: Your Honor, my understanding is that the motion for amendment was filed with the Secretary-General. If he understood the rules correctly, the Secretary General then serves it upon the defendants.

JUDGE BAILE: I was just asking for information whether they had received copies of the motion.

MR. McMAHER: That I don't know. Yes, the counsel for these defendants say "yes".

JUDGE BAILE: Does counsel for defendant Blome raise any objection to the amendment of his indictment?

DR. FRITZ GALLER: No.

DR. KAUFFMANN: Kauffmann for Rudolf Brandt. I have no objection to the change.

JUDGE BAILE: You represent Rudolf Brandt?

DR. KAUFFMANN: Yes.



JUDGE BEALS: Well, the other defendant affected is defendant Blome, I understand. Is he represented here?

DR. FRITZ SAUTER: Dr. Sauter for the defendant Blome. We do not have any objection.

JUDGE BEALS: The indictment will be amended in accordance with the motion.

Is it agreeable to counsel for these two defendants that the arraignment as to them upon this count which has just been amended be considered as pleas to the count as amended now--their pleas of "Not Guilty."

DR. FRITZ SAUTER: Yes.

DR. KAUFFMANN: Yes.

JUDGE BEALS: These matters will appear in the records of the Tribunal. The pleas of the defendants will all be entered in the minutes of the Tribunal.

Court will now adjourn and reconvene at 1000 hours, 9 December, 1946.



COLLECTED COPY

Official Transcript of the American Military Tribunal in the Matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 5 December 1946, 1015-1200 hours, Justice Beal presiding.

THE PRESIDENT: Members of Military Tribunal No. 1 meet this morning informally in chambers to hear arguments upon the motion of certain defense counsel for a continuance of case No. 1 pending before the Tribunal. Counsel will be allowed thirty minutes, on each side, to present their arguments. Two counsels for the defendants may argue upon the motion. The defense counsel will open and close the arguments, and the defendants may divide their thirty minutes between the opening and closing as they please. You may proceed with the arguments upon the motion.


DR. SEWATIEU: The counsel here for the defendants presents an application for the postponement of the beginning of the trial. They are the counsel who happened to be present at the time, who drew up the application, and I am convinced that most of my colleagues who are present also approve.

There are technical reasons which lead to this application. It is the concern which we have as defense counsel that our witnesses cannot be here in time since we are not able to make our application soon enough to have the witnesses brought here. The reason for this is that the material which can give us occasion to call a witness have not been in our hands long enough so that we can work on it. Only on Saturday afternoon were documents available, and others came in the next few days. For many of the defense counsel it is not possible with those few documents, in a short time, to speak to all of the defendants. Especially we still lack a list of the documents so that we can be able to select which documents are significant for each individual. Therefore, we have to let the defendants themselves to determine which are important; taking hours. During this time other defense counsel, of course, cannot obtain information about these documents. In my application I stated the consequences of this condition.



In order to get a witness here we would need several weeks. I as defense counsel for the first defendant must expect to have my witnesses called to the stand here first.

General Taylor has been kind enough to say that he assumes that the Prosecution's case will take two or three weeks. That would mean, if one includes the Christmas recess, that I must be ready by the beginning of January. According to the experience in the previous trial it will hardly be possible to get my witnesses here in that time since I do not know where some of them are. There is the same difficulty with the experts. They would have to be here from the beginning of the trial. Whoever is inclined to appear as an expert and who is possible as an expert for the individual case must be discussed carefully. The court is supposed to be represented by the experts; the same goes for the witnesses. I do not want to call witnesses who will prove to be useless. It is my endeavor through sworn statements to replace the testimony of a number of witnesses and shorten the proceedings. That took a great deal of time in the previous trial; as far as I recall it took an average of two months until a sworn statement was available here. Then I can not make my application yet, it will be unavoidable. In January there will be a period after the Prosecution has finished its case - that is there would be an interruption which should be avoided not only in the interest of the defense but in the interest of all. This interruption would be better at the beginning. I ask for three weeks, considering the possible one week Christmas holiday, that would in effect be two weeks. Perhaps there will be one week recess at Christmas, and that would be a delay of two weeks, and in this three weeks, I believe it would be possible to get the witnesses here. I do not want to go into all the minor differences which exist for the defense. I do not think this is the right place to present such matters. I have finished my statement.



THE PRESIDENT: Counsel for the Prosecution.

GENERAL TAYLOR: The Prosecution believes that this motion is entirely without foundation - without legitimate foundation. One of the principal points which appears to be made here is that some one-hundred documents have been made available to the defense and that an additional 150 have not been made available. This motion was written December 3rd and was received by me yesterday afternoon. I checked with the document room and the Defendants' Information Center the moment I received this and was told that some 240 documents were already in the Defendants' Information Center. I am told that there is a list of 296 documents which has been furnished to the Defendants' Information Center. It appears, therefore, there was some 50 missing so we put a special staff on last night and after this morning 284 documents are in the Defendants' Information Center. So far as I know there is no rule or requirement that we furnish these documents. We are indeed bound by custom here to give them all documents 24 hours in advance of their use. They have received these documents nearly a week in advance of the trial and it is just a privilege which we extend because we are in a position to do so and think it will assist the trial and is a matter for the rights of the defendants. It is discouraging to see our attempt to extend this privilege as extensively as we can, carried into an attempt to put the trial off. Furthermore, these documents in the Defendants' Information Center are all in German, a language which counsel understands and I, myself, in preparing this case have been unable to get most of the documents because it is difficult to get them translated into English for me to use them. In that respect the defense is in a much better position than the Prosecution. The point about location of witnesses which Dr. Servatius makes is worthless and unspecified in his motion. We are not told that there is any particular witness he wants; that it is difficult to locate. From his experience in Case No. 1 - I must point out this case is different from Case No. 1. The subject is more defined and the problems will be much easier and solve themselves. Until some substantial defense is brought to the Court's attention with respect to procurement of

witnesses it seems that there is no possible reason for us to postpone
the trial for purely speculative diffi-



culties. The same, I think applies to the question of experts which the defense has raised. It does seem, and surely they have had time to look into that matter fully. The indictment gives them the information as to what kind of expert they want to have here and if they have difficulty in getting him here by December 9th a transcript will be served and inform the expert of what was going on. It seems to us there has been sufficient time for them to get experts.



Some point is made this motion about the rooms which have been furnished. We have done our best on that. Certain rooms were made available to Defense Counsel, and they found them unsatisfactory. As a result of their request, other rooms which are better have been made available as of yesterday and are set up, and working conditions are possible there.

As far as typewriters are concerned, it is difficult to procure German typewriters. We are today putting into this room a selection of English and German typewriters and are doing all we can to aid Counsel to perform their duties. In many respects, because of the language situation in this trial, I think their difficulties are no greater than our own on the Prosecution side.

I must finally point out that a postponement of this trial means a postponement of other trials which are to follow this one. Under ordinance Number 7, this is a continuing program, and if this trial does not start as scheduled it will result in postponement of those which are to follow.

I think that is all I have to say, Your Honor.

THE TRIBUNAL: (Judge Sebring); General Taylor, are you in a position to say now how many documents will be used in the prosecution in its case in chief?

GENERAL TAYLOR: In its case in chief? It will come very close to the figure 700, Your Honor. I think Mr. McHaney can answer in more detail than I can.

MR. McHANEY: If Your Honor please, we have made an effort to give them documents which we definitely plan to use. In other words, we have not sent to the Defendants' Information Center a mass of documents which we do not think that we will use. We have not sent them all of the documents

which we plan to use for two reasons:

Firstly, we have obtained a rather substantial number of affidavits from certain of the defendants. These documents have not been made available in the Defendant's Information Center, and we do not plan to make them available until approximately 24 hours prior to the time that they will be used in court.

In the same category falls a number of charts showing the organization of various offices with which the Court will be dealing, such as the Medical Service of the Luftwaffe, the Medical Service of the Wehrmacht, the



Medical Service of the SS, and so forth. Those charts have not been made available to them. They shall on Saturday morning, since we plan to use them on Monday in our presentation here.

There are naturally other documents which will be used in the course of the trial in the case in chief which have not been sent to the Defendants' Information Center as yet. I think that there are some documents dealing with euthanasia which will be the last matter taken up in the case in chief which have not been sent down because we have not as yet had the time to decide definitely which of those documents we plan to use. There are a rather substantial number of them, and we wish to select only those few that we would use here.

There are also, of course, those instances in which we will find documents in Berlin or in other places which we do not now have, which, of course, are not in the Defendants' Information Center, but a few instances will come up where we will find documents that we will want to use, but by and large I think that the 300 which we made available will pretty well cover the case in chief.

THE TRIBUNAL (Judge Sebring): By 300 documents, do you mean that those documents will also comprehend the affidavits?

MR. MC HANEY: No, we have now given them 280-odd out of the total of 294. Those are all photostatic copies of the original German documents. Now, in addition to that, I would say that we have, oh, in the neighborhood of 25 affidavits taken from the defendants. Additionally, we have at least an equal number of affidavits taken from witness.

THE TRIBUNAL (Judge Sebring): What equal number?

MR. MC HANEY: I say we must have at least 25 affidavits also, taken from witnesses, that is, people other than the defendants.

THE TRIBUNAL (Judge Sebring): So that, perhaps, you have 50 affidavits, altogether?

MR. MC HANEY: I should think so.

THE TRIBUNAL (Judge Sebring): Can you say at this time how much time will be taken in the introduction of documents, as you anticipate it?

MR. MC HANEY: You mean to put in our case in chief?

THE TRIBUNAL (Judge Sebring): So much of it as is comprehended by
the documents.



MR. MC HANEY: Well, that is difficult to say. The manner in which we will present the case is more or less on a topical basis, in accordance with the order that we have set up in the Indictment. In other words, after the opening statement and certain procedural matters are taken care of, we will start introducing documentary evidence consisting of affidavits by the defendants and German documents on the high altitude experiments.

More or less at the conclusion of the introduction of documentary evidence on that topic, we will call certain witnesses to the stand to testify with respect to these matters. We will then proceed to the next experiment, which is the freezing experiment.

In the high altitude experiment we have, roughly, 40 or 45 documents dealing with that matter. As far as I recall, we have only two witnesses. I should think that it would probably take us in excess of a day to put in those documents. Of course, the examination of witnesses may prove to be a rather time-consuming matter because there are quite a number of defense counsel here, and roughly half of them, I think, are charged with the high altitude experiments, and I assume that there will be considerable cross examination.

THE PRESIDENT: Defense counsel may proceed with the closing argument. Twenty-two minutes remain.

DR. SERVATIUS: I wanted to reply quite briefly to the argument made by General Taylor. It is a matter of course that as far as the claim is concerned, we have none for the presentation of such documents. In practice, the situation is different. It is such that during the proceedings we will have to make our applications. I must be in a position to present my evidence and the sooner the prosecution gives me these documents the sooner I shall be ready. The purpose is merely to avoid an interruption of the proceedings, and I don't want to come in with continuous motions during the proceedings. It would be better if we could postpone the proceedings in the beginning so as to be able to go ahead afterwards.

As far as the practical use of the documents is concerned, I should

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like to point out that there is no list of documents so that, in practice,
this pile of documents is of no use to me. I should have to look



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through each individual document in order to ascertain what it contains, and everybody else would have to do the same, so I should like to ask the Tribunal to convince themselves just how difficult it will be to carry this out in practice. In practice, we do not have the documents in our hands, and we can not use them. If we had a list, we could have shared them out, and each Defense Counsel could have had 20 documents copied, which we would have had at our disposal.

I am convinced that the Prosecution is doing everything to help us, but the situation is that even this morning we do not have a room in which to work. In practice, we are short the documents, we are short of the typewriters. I did not want to put this to the Tribunal because I did not think that this was a suitable place, but that is the situation. We do not have the things.

I should like to put the emphasis on the pertinent difficulties; namely, that witnesses and experts can not be brought here in practice in time, and the postponement which I am requesting is in practice no more than a fortnight's delay. It would be to everybody's benefit, as subsequently we would be able to go ahead with the proceedings at a greater speed, whereas, these are practical questions which can not be overlooked.

THE TRIBUNAL (Judge Sebring): May I ask Counsel a question, please?

I note that in your motion for a continuance, you say that it is necessary to have expert witnesses present during the entire course of the Prosecution's case in chief. Can you tell me what there is in the Prosecution's case that would require the presence of your expert witnesses throughout that phase of the Prosecution?

DR. SERVATIUS: According to German legal procedure, the expert ought to be present during the entire proceedings, and the expert, in particular, ought to be in a position to judge from his own expert knowledge what the implication is and what the accusations are. During the proceedings

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documents, too, will be presented and also witnesses will be appearing,
and the expert will certainly have questions to put to the witnesses --
probably



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very relevant and important ones. It is for that reason that it would be suitable, in my opinion, and also in accordance with German law if the expert were here in good time, but, then, in particular, it would be difficult to obtain a suitable expert in time.

THE TRIBUNAL (Judge Sebring): You have merely said in your motion that you intend to produce certain witnesses -- an expert to what facts or phase of knowledge?

DR. SERVATIUS: As to just what point the experts will have to speak, that will differ in the case of each individual defendant, and we in our capacity of Defense Counsel will have to agree which expert will cover the largest territory on the strength of his knowledge so that we do not produce large numbers of experts here. Many experts today are not allowed to practice since they no longer hold their professorships or are not appointed by a university. Others are busy and can not get away, and it will be necessary to go and see them and ask them if they are able and willing to appear.

THE TRIBUNAL (Judge Sebring): I do not believe you understood my question. You are proposing to call experts in what field, the field of medicine and research?

DR. SERVATIUS: Yes, that is right.

THE TRIBUNAL (Judge Sebring): Do you know where potential expert witnesses are living or residing? Do you have that information?

DR. SERVATIUS: I have not dealt with that problem myself. My colleague, Dr. Nolte, will probably be able to answer that question.



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DR. NEUB: Gentlemen of the Tribunal, with reference to what my colleague, Dr. Servatius, has said I should like to add the following, and also as a reply to what has been said earlier, namely, that the difficulties we had were of a figurative nature and were not of a concrete nature.

May I please point out to you that on the 26th of November I had already submitted application, to which even today I am still without a reply. In that application, dated 26th of November, I had named six experts and witnesses who are of general and great importance to this trial. In consideration of the fact that the trial was scheduled to start as early as 9th of December I had requested to be given the possibility of calling these doctors who reside in Heidelberg, Kartzburg, Cologne, and as far as I know, Tübingen, and that I might be given the opportunity to visit there. I still have not received a reply to this application today. I have not been able to visit these important witnesses and I believe that the remarks of the points which the prosecution have submitted in today's letter cannot be applicable to my case. They state that the Defense had had ample time in order to call experts. It might have been possible to visit these doctors in the course of this week, if my application dated 26th of November had received an early decision.

I, also, on the 2nd of December submitted an application to the High Tribunal in which I referred to five experts capable of dealing not only with general medical questions but also with the limits and dividing lines of what might be considered legal and medically sound in each individual case, or not permissible.

Quite often it would be possible that the decision could be made with reference to the application as early as today. What I was trying to express was the time which we, the Defense, had at our disposal considered from the point of view of advancing the proceedings and the point of view of preparation had been utilized by you although a great deal of time and circumstances, as they have been described by my colleague, Dr. Servatius, and present that. I hope that this High Tribunal will allow us, the Defense counsel, then we say that everything we do and everything we apply for will

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be raised in the connection that with it and through it we act in general best interest, not only of ourselves but the Tribunal and Prosecution, since it is our aim and our ambition to assist in the greatest possible clarification of the real circumstances and material throughout this case. It is for that reason that the objection raised by the Prosecution, namely, that there is no legal regulation according to which the documents and any other material should be submitted in good time is not, I think, quite applicable in our case, because we, both the Prosecution as well as the Defense, have the mutual duty to contribute everything we can in order to elucidate and investigate the circumstances throughout and place at your disposition, your Honor, material as complete and as necessary to finding the truth.

THE TRIBUNAL (Judge Bedia): The Court has a question to propound upon the Prosecution. I understand that Counsel for Defense, Dr. Servatius, I believe, has said that although many of these documents are now in the Defense Information Center, yet there is no list of the documents and from which they can work adequately. Can you advise the Court about that, sir?

GENERAL TAYLOR: Prosecution furnished the Information Center with a list of these documents in numerical order. The list does not break the documents down into an index by subject, but does list the documents by numbers. As far as I know there is no reason why the Defense Councils could not have divided that among themselves and dealt with it as those applicable in each case would come into the hands of the lawyer in that particular part of the case. Such a list was forwarded to the Information Center. Furthermore, I stopped by there on my way to Court and very cursory looked around and saw the document file in a drawer in numerical order. I say that hesitantly because it was a cursory look but that is what appeared to me to be.

DR. SERVATIUS: Mr. President, may I answer briefly. There is a list of documents, yet -- but it does not correspond to what we had formerly. It is only a list of numbers and reads 001, 005, 200. I see the numbers but I do not know what they mean. I can't select what is of importance for me but I might see "Letter to Hitler". That is important to me. I see only 005.

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I can't see that on the documents. A list of numbers is useless to me. It is up to the person in charge of the documents as he knows which documents are there. I cannot exchange with my colleagues because I do not know which are the important documents. I believe if the Tribunal would investigate the question the documents are there but, in short, in going through them on Saturday with the assistance of Mr. Garrett I checked them. It took an hour and a half to go through the documents — about one hundred documents. As long as I was working there no one else could use them. In practice they are not really available to us.

MR. JUDGE TAYLOR: I believe that Mr. Servatius has said confirms what I said about the list. That list is a check list. It are certainly, I believe, under a collection of the one hundred documents an index from which they can determine a document's importance. There is no way we can save them from work they have to go through and see which document relates to each part of the case. I am sure they are in a very much better position to review because they can understand them. They do not have to deal with translators. Sometimes it is very late when they are translated. I have had access to very few documents.

Now I make a comment while at the podium about Dr. Witten's point about expert witnesses. I do not know of circumstances concerning the particular requests for experts that he has mentioned. All these requests come to the Prosecution and I am informed in every case, except two, we have indicated approval. We have no objection to requests and sent back to the Information Center. Those two or three cases where we have not given consent was because awaiting call of witness from London, Paris, or some distant point. In all cases we have said we had no objection to calling of witnesses in Germany. I cannot believe any objection by Prosecution has been put in from securing witnesses from Heidelberg, Cologne, or elsewhere.

THE TRIBUNAL (Judge Beals): The Marshall will clear the Court while the Judges come to a decision of their motion. All persons remain at attention until suspended into the Court Room.

THE PRESIDENT: The court has considered the briefs filed in connection with this matter and the argument of counsel; the Tribunal rules that the motion for continuance will be denied without prejudice, however, to the ability of the defendants to present any appropriate motions during the course of the trial for any necessary reasonable reason, either to secure expert witnesses or consultants to be present during the course of the Prosecution's case in chief; or to secure other witnesses or documents. The Tribunal will attempt to dispose of all motions or applications for the presence of witnesses or production of documents no later than tomorrow. Will the counsel for the Prosecution stop to the podium? The Tribunal is interested, General, in whether or not you could supplement this list of documents which has been filed so that as to each document which is listed, there might be, in connection therewith, a short general statement as to the subject matter of that document.

GENERAL TAYLOR: I will ask Mr. McHenry to answer that question.

MR. McHENRY: In Your Honor, please, would it be necessary that this descriptive list of documents be translated into German? I think that possibly we could get up such a list without too much difficulty in English, but our translation facilities at the present time are extremely burdened; and if possible, we would like to be relieved of the task of having this translated into German; or if Defense Counsel would also take considerable more time, we could provide it to them in English within, 24 hours or 48 hours, I should think, at least.

THE PRESIDENT: It is not the idea of the Tribunal that the statement should be very long. I know nothing of your translation facilities. I would assume that if a brief statement in English were filed, it would probably materially assist the counsel for the defendants, just to give each one a brief notice of the contents and the nature of the document so that the defendants who are interested in certain specifications under

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the charge would know from that that document did or did not concern them.

MR. McHAFFEY: Yes, indeed, we shall do that.



JUDGE BELLS: I would like to ask Defense Counsel a question. Do you think, Counsel, that the filing of a brief statement in English would be of material assistance to you and would be sufficient until possibly a German translation could be provided?

DR. SERVATIUS: It would be of great assistance to us. If a number of Defense Counsel have difficulties, we would be able to help each other. We would be very glad to get it soon. May I ask about the number of documents, if we could have twenty-three lists, one for each defendant? There are twenty-three defendants, if we could have twenty-three copies.

JUDGE BELLS: I would ask Counsel for the Prosecution to furnish that if possible. You are excused.

JUDGE SEHRING: General Taylor, is it mechanically possible to do that?

GENERAL TAYLOR: Yes, Your Honor, I believe it would be by stencilling it.

JUDGE SEHRING: Within what period of time?

GENERAL TAYLOR: Well, we will do our best to have it in within twenty-four hours. Until I check with the clerical facilities I am a little reluctant to say definitely that we can do it in twenty-four hours, but we will shoot for that and I think we will certainly be able to have it in forty-eight.

JUDGE BELLS: This informal session of the Tribunal will now adjourn.

(The Tribunal adjourned until 9 December 1946, at 1000 hours.)

Official Transcript of the American Military
Tribunal in the matter of the United States
of America, against Karl Brandt, et al,
Defendants, sitting at Nurnberg, Germany on
9 December 1946, 1000-1700, Justice Bels presiding.

THE MARSHAL: Military Tribunal No. 1 is now in session.
save the United States of America and this honorable Tribunal.
will be order in the Court.

THE PRESIDENT: The Secretary General will ascertain that all the
Defendants are present.

THE MARSHAL: The Secretary General will call the roll of the
Defendants.

(The Secretary General: Karl Brandt, Siegfried Handloser, Paul
Rostock, Oskar Schroeder, Karl Gonsken, Karl B. Ghard, Kurt Blame,
Rudolf Brandt, Joachim Krugowsky, Helmut Poppendick, Wolfram Sievers,
Gerhard Rose, Siegfried Ruff, Hans Wolfgang Rumberg, Victor Brack, Hermann
Becker-Freyson, Georg August Helts, Konrad Schaefer, Waldemar Hoven,
Wilhelm Beilbuck, Adolf Porkorny, Herta Oberhauser, Fritz Fischer.)

THE SECRETARY GENERAL: All of the Defendants are present and
accounted for.

THE PRESIDENT: The Secretary General will note for the record the
presence of the Defendants.

I have two questions now to propound to the Defendants. As the name
of each defendant is called he will rise in his place and proceed to the
center in front of the microphone and answer the questions which I shall
propound to him. Karl Brandt. Your name is Karl Brandt?

KARL BRANDT: Yes.

THE PRESIDENT: Have you received and had an opportunity to read the
indictment filed against you?

KARL BRANDT: I have read the indictment, yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this
indictment and do you now plea Not Guilty?

KARL BRANDT: Yes, I am not guilty.

THE PRESIDENT: You may be seated. Paul Rostock. Is your name Paul Rostock?

PAUL ROSTOCK: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

PAUL ROSTOCK: I have read the indictment.

THE PRESIDENT: Have you entered your plea of Not Guilty and do you now plead not Guilty to the indictment?

PAUL ROSTOCK: I am Not Guilty.

THE PRESIDENT: You may be seated. Oskar Schroeder.

OSKAR SCHROEDER: Yes.

THE PRESIDENT: Have you received and had an opportunity to read the indictment filed against you?

OSKAR SCHROEDER: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty?

OSKAR SCHROEDER: Yes.

THE PRESIDENT: You may be seated. Karl Genzken. Is your name Karl Genzken?

KARL GENZKEN: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

KARL GENZKEN: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to the indictment?

KARL GENZKEN: Not Guilty.

THE PRESIDENT: You may be seated. Karl Gebhardt. Is your name Karl Gebhardt?

KARL GEBHARDT: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

KARL GEBHARDT: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to the indictment?

KARL GEBHARDT: Yes.

THE PRESIDENT: Kurt Blome. Is your name Kurt Blome?

KURT BLOME: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

KURT BLOME: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to the indictment?

KURT BLOME: Not Guilty.

THE PRESIDENT: You may be seated. Rudolf Brandt. Is your name Rudolf Brandt?

RUDOLF BRANDT: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

RUDOLF BRANDT: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to the indictment?

RUDOLF BRANDT: Yes.

THE PRESIDENT: Siegfried Handloser. Is your name Siegfried Handloser?

SIEGFRIED HANDLOSER: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

SIEGFRIED HANDLOSER: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to the indictment?

SIEGFRIED HANDLOSER: Not Guilty.

THE PRESIDENT: You may be seated. Joachim Mrugowsky. Is your name Joachim Mrugowsky?

JOACHIM MRUGOWSKY: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

JOACHIM BRUGO SKY: I have read it.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

JOACHIM BRUGO SKY: I plead Not Guilty.

THE PRESIDENT: Helmut Poppendick. Is your name Helmut Poppendick?

HELMUT POPPENDICK: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed in this case against you?

HELMUT POPPENDICK: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

HELMUT POPPENDICK: Yes.

THE PRESIDENT: You may be seated. Wolfram Sievers. Is your name Wolfram Sievers?

WOLFRAM SIEVERS: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

WOLFRAM SIEVERS: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

WOLFRAM SIEVERS: Yes.

THE PRESIDENT: You may be seated. Gerhard Rose. Is your name Gerhard Rose?

GERHARD ROSE: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

GERHARD ROSE: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

GERHARD ROSE: Yes, Not Guilty.

THE PRESIDENT: You may be seated, Siegfried Ruff.

SIEGFRIED RUFF: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed in this case against you?

SIEGFRIED RUFF: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

SIEGFRIED RUFF: Yes, Not Guilty.

THE PRESIDENT: Hans Wolfgang Romberg. Is your name Hans Wolfgang Romberg?

HANS WOLFGANG ROMBERG: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

HANS WOLFGANG ROMBERG: Not Guilty.

THE PRESIDENT: You may be seated, Viktor Brack. Is your name Viktor Brack?

VIKTOR BRACK: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

VIKTOR BRACK: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

VIKTOR BRACK: I plead Not Guilty.

THE PRESIDENT: You may be seated, Hermann Becker-Freyseng. Is your name Hermann Becker-Freyseng?

HERMANN BECKER-FREYSENG: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

HERMANN BECKER-FREYSENG: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

HERMANN BECKER-FREYSENG: Yes.

THE PRESIDENT: You may be seated. Georg August Weltz. Is your name Georg August Weltz?

GEORG AUGUST WELTZ: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

GEORG AUGUST WELTZ: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

GEORG AUGUST WELTZ: Not Guilty.

THE PRESIDENT: You may be seated. Konrad Schaefer. Is your name Konrad Schaefer?

KONRAD SCHAEFER: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

KONRAD SCHAEFER: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

KONRAD SCHAEFER: I plead Not Guilty

THE PRESIDENT: Waldemar Hoven. Is your name Waldemar Hoven?

WALDEMAR HOVEN: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

WALDEMAR HOVEN: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

WALDEMAR HOVEN: Yes.

THE PRESIDENT: You may be seated. Wilhelm Beiglbock. Is your name Wilhelm Beiglbock?

WILHELM BEIGLBOCK: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

WILHELM BEIGLBOCK: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

WILHELM BEIGLBOCK: I plead Not Guilty.

THE PRESIDENT: Adolf Pokorny. Is your name Adolf Pokorny?

ADOLF POKORNY: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

ADOLF POKORNY: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

ADOLF POKORNY: Not Guilty.

THE PRESIDENT: Herta Oberhauser. Is your name Herta Oberhauser?

HERTA OBERHAUSER: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

HERTA OBERHAUSER: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

HERTA OBERHAUSER: Not Guilty.

THE PRESIDENT: You may be seated. Fritz Gischer. Is your name Fritz Fischer?

FRITZ FISCHER: Yes.

THE PRESIDENT: Have you received and have you had an opportunity to read the indictment filed against you?

FRITZ FISCHER: Yes.

THE PRESIDENT: Have you entered your plea of Not Guilty to this indictment and do you now plead Not Guilty to this indictment?

FRITZ FISCHER : Yes, not guilty.

THE PRESIDENT : The Secretary General will note the questions and answers propounded to the defendants.



THE PRESIDENT: I have a statement which I desire to make for the benefit of the prosecution, defendants, and all concerned: Before opening the trial of Case No. 1, the United States of America against Karl Brandt, et al, there are certain matters which the Tribunal desires to call to the attention of the counsel for the prosecution and the counsel for the defendants.

1. The prosecution may be allowed, for the purpose of making the opening statement in this case, time not to exceed one trial day. This time may be allocated by the chief prosecutor, between himself and any of his assistants, as he desires.

2. When the prosecution has rested its case, defense counsel will be allowed two trial days in which to make their opening statements, and which will comprehend the entire theory of their respective defenses. The time allocated will be divided between the different defense counsel, as they may themselves agree. In the event the defense counsel cannot agree, the Tribunal will allocate the time, not to exceed thirty minutes to each defendant.

3. The prosecution shall, not less than twenty-four hours, before it desires to offer any record or document or writing in evidence, as part of its case in chief, file with the defense information center not less than one copy of such record, document or writing for each of the counsel for defendants, such copies to be in the German language. The prosecution shall also deliver to the defense information center at least four copies thereof in the English language.

4. When the prosecution or any defendant offers a record, document or any other writing or a copy thereof in evidence there shall be delivered to the Secretary General in addition to the original document or other instrument in writing so offered for admission evidence, six copies of the document. If the document is written or printed in a language other than English, there shall also be filed with the copies of the document above referred to, six copies of an English translation of the document. If such document is offered by any defendant

suitable facilities for procuring English translations of that
document shall be made available to the defendants.



5. At least twenty-four hours before a witness is called to the stand, either by the prosecution or by any defendant, the party who desires to interrogate the witness shall deliver to the Secretary General an original and six copies of a memorandum which shall disclose: 1. The name of the witness. 2. His nationality, 3. His residence or station. 4. His official rank or position. 5. Whether he is called as an expert witness or as a witness to testify to facts, and if the latter, a prepared statement of the subject matter on which the witness will be interrogated. When the prosecution prepares such a statement in connection with the witness who it desires to call, at the time of the filing of this statement, two additional copies thereof shall be delivered to the defense information center. When a defendant prepares such a statement concerning a witness who it desires to call, the defendant shall at the same time the copies are filed with the Secretary General, deliver one additional copy to the prosecution.

6. When either the prosecution or a defendant desires the Tribunal to take judicial notice of any official Government documents or reports of the United Nations, including any action, ruling or regulation of any Committee, Board, or Council, heretofore established by or in the Allied Nations for the investigation of War Crimes or any record made by or the findings of any Military or other Tribunal, this Tribunal may refuse to take judicial notice of such documents, rules, or regulations, unless the party proposing, ask this Tribunal to judicially notice such documents, rules, or regulations, place a copy thereof in writing before the Tribunal.

This Tribunal has learned with satisfaction of the procedure adopted by the prosecution with the intention to furnish to the defense counsel information concerning the writings or documents which the prosecution expects to offer in evidence for the purpose of affording to the defense counsel information to help them prepare their respective defense to the indictments. The desire of the Tribunal is that this be made available to the defendants so as to aid them in the prosecution

of their respective defense.

The United States of America having established this Military
Tribunal One, pursuant to law, through properly empowered Military
authorities, and the

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defendants having been brought, before Military Tribunal One, pursuant to indictments filed December 5th, 1946, in the Office of the Secretary General of the Military Tribunal at Nurnberg, Germany, by an officer of the United States Army, regularly designated as Chief of Counsel for War Crimes, acting on behalf of the United States of America, pursuant to appropriate Military authority, and the indictments having been served upon each defendant for more than thirty days prior to this date, and a copy of the indictments in the German language having been furnished to each defendant, and having been in his possession for more than thirty days, and each defendant having had ample opportunity to read the indictments, and having regularly entered his plea of not guilty to the indictments, the Tribunal is ready to proceed with the trial.

This Tribunal will conduct the trial in accordance with controlling laws, rules, and regulations, and with due regard to appropriate procedure in a sincere endeavor to insure both to the prosecution and to each and every defendant an opportunity to present all evidence of an appropriate value bearing upon the issues before the Tribunal; to this end, that under law and pending regulations impartial justice may be accomplished.

The trial, of course, will be a public trial, not one behind closed doors; but because of limited facilities available the Tribunal must insist that the number of spectators be limited to the seating capacity of the court room. Passes will therefore be issued by the appropriate authorities to those who may enter the court room. The Tribunal will insist that good order be at all times maintained, and appropriate measures will be taken to see that this rule is strictly enforced.

For the information of all concerned, the Tribunal announces that hearings will be had each day this week commencing at 9.30 o'clock through Friday. The Tribunal will reconvene at 9.30 o'clock, Monday December 16, 1946, and will hold sessions every day of that week including Saturday, on which day, however, the Tribunal will recess until

9 Dec 46-46-2-3-Board (SW)
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9.30 o'clock, Thursday, January 2, 1947, on which day the Tribunal
will convene at the usual time.



I should have stated that on Saturday of next week the Tribunal will recess at 12:30 o'clock.

The Prosecution may now commence its opening statement.

GENERAL TELFORD TAYLOR : The defendants in this case are charged with murders, tortures, and other atrocities committed in the name of medical science. The victims of these crimes are numbered in the hundred of thousands. A handful only are still alive ; a few of the survivors will appear in this courtroom. But most of these miserable victims were slaughtered outright or died in the course of the tortures to which they were subjected.

For the most part they are nameless dead. To their murderers, these wretched people were not individuals at all. They came in wholesale lots and were treated worse than animals. They were 200 Jews in good physical condition, 50 Gypsies, 500 tubercular Poles, or 1,000 Russians. The victims of these crimes are numbered among the anonymous millions who met death at the hands of the Nazis and whose fate is a hideous blot on the page of modern history.

The charges against these defendants are brought in the name of the United States of America. They are being tried by a court of American judges. The responsibilities thus imposed upon the representatives of the United States, prosecutors and judges alike, are grave and unusual. They are owed not only to the victims, and to the parents and children of the victims, that just punishment be imposed on the guilty, and not only to the defendants, that they be accorded a fair hearing and decision. Such responsibilities are the ordinary burden of any tribunal. Far wider are the duties which we must fulfill here.

These larger obligations run to the peoples and races

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on whom the scourge of these crimes was laid. The mere punishment of the defendants, or even of thousands of others equally guilty, can never redress the terrible injuries which the Nazis visited on these unfortunate peoples. For then it is far more important that these incredible events be established by clear and public proof, so that no one can ever doubt that they were fact and not fable, and that this Court, as the agent of the United States and as the voice of humanity, stamp these acts, and the ideas which engendered them, as barbarous and criminal.

We have still other responsibilities here. The defendants in the dock are charged with murder, but this is no mere murder trial. We cannot rest content



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when we have shown that crimes were committed and that certain persons committed them. To kill, to maim, and to torture is criminal under all modern systems of law. These defendants did not kill in hot blood, nor for personal enrichment. Some of them may be sadists, who killed and tortured for sport, but they are not all perverts. They are not ignorant men. Most of them are trained physicians and some of them are distinguished scientists. Yet these defendants, all of whom were fully able to comprehend the nature of their acts, and most of whom were exceptionally qualified to form a moral and professional judgment in this respect, are responsible for wholesale murder and unspeakably cruel tortures.

It is our deep obligation to all peoples of the world to show why and how these things happened. It is incumbent upon us to set forth with conspicuous clarity the ideas and motives which moved these defendants to treat their fellow men as less than beasts. The perverse thoughts and distorted concepts which brought about these savageries are not dead. They cannot be killed by force of arms. They must not become a spreading cancer in the breast of humanity. They must be cut out and exposed, for the reason so well stated by Mr. Justice Jackson in this courtroom a year ago :

"The wrongs which we seek to condemn and punish have been so calculated, so malignant, and so devastating that civilization cannot tolerate their being ignored because it cannot survive their being repeated."

To the German people we owe a special responsibility in these proceedings. Under the leadership of the Nazis and their war lords, the German nation spread death and devastation throughout Europe. This the Germans now know. So, too, do they know the consequences to Germany. Defeat, ruin, prostration, and utter demoralization. Most German children

will never, so long as they live, see an undamaged German city.

To what cause will these children ascribe the defeat of the German nation and the devastation that surrounds them? Will they attribute it to the overwhelming weight of numbers and resources that was eventually leagued against them? Will they point to the ingenuity of enemy scientists? Will they perhaps blame their plight on strategic and military blunders by their generals?

If the Germans embrace those reasons as the true cause of their disaster, it will be sad and fatal thing for Germany and for the world. Men who have never seen a German city intact will be callous about flattening English or American or Russian cities. They may not even realize that they are destroying anything worth-



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while, for lack of a normal sense of values. To reestablish the greatness of Germany, they are likely to pin their faith on improved military techniques. Such views will lead the Germans straight into the arms of the Prussian militarists to whom defeat is only a glorious opportunity to start a new war game. "Next time it will be different." We know all too well what that will mean.

This case, and others which will be tried in this building offer a signal opportunity to lay before the German people the true cause of their present misery. The walls and towers and churches of Nurnberg were, indeed, reduced to rubble by Allied bombs, but in a deeper sense Nurnberg had been destroyed a decade earlier, when it became the seat of the annual Nazi Party rallies, a focal point for the moral disintegration in Germany, and the private domain of Julius Streicher. The insane and malignant doctrines that Nurnberg spewed forth account alike for the crimes of these defendants and for the terrible fate of Germany under the Third Reich.

A nation which deliberately infects itself with poison will inevitably sicken and die. These defendants and others turned Germany into an infernal combination of a lunatic asylum and a charnel house. Neither science, nor industry, nor the arts could flourish in such a foul medium. The country could not live at peace and was fatally handicapped for war. I do not think the German people have as yet any conception of how deeply the criminal folly that was Nazism bit into every phase of German life, or of how utterly ravaging the consequences were. It will be our task to make these things clear.

These are the high purposes which justify the establishment of extraordinary courts to hear and determine this case

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These are the high purposes which justify the establishment of extraordinary courts to hear and determine this case

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and other of comparable importance. That murder should be punished goes without the saying, but the full performance of our task requires more than the just sentencing of these defendants. Their crimes were the inevitable result of the sinister doctrines which they espoused, and these same doctrines sealed the fate of Germany, shattered Europe, and left the world in derment. Wherever those doctrines may emerge and prevail, the same terrible consequences will follow. That is why a bold and lucid consummation of these proceedings is of vital importance to all nations. That is why the United States has constituted this Tribunal.



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THE STATE MEDICAL SERVICES OF THE THIRD REICH

I pass now to the facts of the case in hand. There are twenty-three defendants in the box. All but three of them -- Rudolf Brandt, Sievers, and Braack -- are doctors. Of the twenty-doctors. Of the twenty-doctors, all but one-- Pkorny--held positions in the medical services of the Third Reich. To understand this case, it is necessary to understand the general structure of these state medical services, and how these services fitted into the over-all organization of the Nazi State.

To assist the Court in this regard, the prosecution has prepared a short expository brief, which is already in the hands of the Court and which has been made available to defense counsel in German and English. The brief includes a glossary of the more frequent German words or expressions which will occur in this trial--most of them the vocabulary of military, medical, or governmental affairs. It also includes a table of equivalent ranks between the American Army and the German Army and the SS and of the medical ranks used in the German Armed forces and the SS. Finally, it includes a chart showing the subordination of the several German medical services within the general framework of the German state. This chart has been enlarged and is displayed at the front of the courtroom.

Following this opening statement, Mr. McHaney will in opening the presentation of evidence on behalf of the prosecution, offer in evidence a series of detailed charts of the various German medical services, which have been certified as accurate by the defendants Handloser, Schroeder, Karl Brandt, Mrugowsky, and Braack. The chart which I am now directing to the attention of the Tribunal is a

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composite chart based upon those which Mr. McHaney will offer in evidence. The chart in the front of the courtroom to which I now referring will not be offered in evidence; it is intended merely as a convenient guide to the Court and to defense counsel to enable them to follow the opening statement and to comprehend the over-all structure of the German medical services.

All power in the Third Reich derived from Adolf Hitler, who as at one and the same time the head of the government, the leader of the Nazi Party, and the commander-in-chief of the armed forces. His title as head of the government was Reich Chancellor. He was the "Fuehrer" of the Nazi party, and the "Supreme Commander-in-Chief" of the Wehrmacht. Immediately subordinate to Hitler were the chiefs of the armed forces, the principal cabinet ministers of the government, and the leading officials of the Nazi Party. The only defendant in the dock who was



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directly responsible to Hitler himself is the defendant Karl Brandt

The Court will observe that the defendants fall into three main groups. Eight of them were members of the medical service of the German Air Force. Seven of them were members of the medical service of the SS. The remaining eight include the defendants Karl Brandt and Handloser, who occupied top positions in the medical hierarchy; it includes the three defendants who are not doctors; the defendant Rostock, who was an immediate subordinate of Karl Brandt; the defendant Blome, a medical official of the Nazi Party; and the defendant Pokorny, whom we have grouped under the SS for reasons which will appear later.

I will deal first with the military side of the case. Hitler, as Supreme Commander-in-chief of the German armed forces, exercised his authority through a staff called the Supreme Command of the Armed Forces, better known by its German initials, OKW (for Oberkommando der Wehrmacht). The Chief of this staff, through-out the period with which this case will concern itself, was Field Marshal Wilhelm Keitel.

Under the OKW came the Supreme Commands of the three branches of the Wehrmacht the Navy (OKM), the Army (OKH), and the Air Force (OKL).



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Grand Admiral Eric Raeder was the Commander-in-Chief of the German Navy until 1943, when he was succeeded by Grand Admiral Karl Doenitz. Prior to the outbreak of the war, the Commander-in-Chief of the German Army was Field Marshal von Brauchitsch; in December 1941, Brauchitsch was relieved and Hitler himself took this position. Hermann Goering was the Commander-in-Chief of the German Air Force with the rank of Reichsmarschall, until the very last month of the war.

Each of the three branches of the Wehrmacht had its own medical service. For purpose of this case, the medical service of the Navy is not of much importance. During most of the war the defendant Handloser was the chief of the medical service of the German Army; in 1944, he was succeeded in this capacity by Dr. Walther. The chief of the medical service of the German Air Force until 1943 was Dr. Erich Hippke; from January, 1944 until the end of the war, it was the defendant Schroeder. Subordinate to the defendant Schroeder are seven other defendants from the Air Force medical service, whose functions I will briefly describe later on.

I turn now to the second principal group of defendants - those affiliated with the SS. The SS was nominally a part of the Nazi Party, and came under Hitler in his capacity as Fuehrer of the NSDAP. In fact, during the years of the Nazi regime, the SS expanded into a vast complex of military, police, and intelligence organizations. The head of this extraordinary combine was Heinrich Himmler, with of Reichsfuehrer SS. The SS had its own medical service, headed by Grawitz, who bore the title Reich Physician SS.

The SS, in turn was divided into many departments, of which one of the most important was the Armed or Waffen SS. The members of the Waffen SS were trained and equipped as regular troops, were formed into regular military formations, and fought at the front side with the troops of the Wehrmacht. By the end of the war there were some thirty SS Divisions in the line. The head of the medical services of the Waffen SS was the defendant Benning.

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Six other defendants were members of the SS medical Service and therefore subordinated to Grawitz.

The German civilian medical services derived their authority both from the German government and from the Nazi Party. The medical chief on the civilian side was Dr. Leonardo Conti, who committed suicide in October 1945. Dr. Conti occupied the position of Secretary of State for Health in the Reich Ministry of the Interior. In

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this capacity, Conti was a subordinate of the Minister of the Interior, Dr. Wilhelm Frick, until 1943 and thereafter to Heinrich Himmler, who assumed the additional duties of Minister of the Interior in that year.

Conti also held the title in the Nazi Party of Reich Health Leader. His deputy in this capacity was the defendant Blome. As Reich Health Leader, Conti was subordinate to the Nazi Party Chancellery, the chief of which was Martin Bormann.

As the Court will see from the chart, the three principal people in the hierarchy of German state health and medicine are the defendants Karl Brandt and Handloser, and the deceased Dr. Conti. In July 1942, Hitler issued a decree, a copy of which will later be read before the Court, which established the defendant Handloser as chief of the medical services of the Wehrmacht. Shown on the chart here Handloser's name appears in this capacity. Handloser was given supervisory and professional authority over the medical services of all three branches of the Wehrmacht. Inasmuch as the Waffen SS came to constitute an important part of the armed forces, Handloser's supervisory authority also extended to the defendant Genzken, Chief of the Medical Services of the Waffen SS. In this position Handloser was charged with the coordination of all common tasks of the medical services of the Wehrmacht and the Waffen SS. He thus became the principal figure in German military medicine, just as Dr. Conti was the central figure in the field of civilian medicine.

Handloser, and Conti, as will be seen from the chart were not directly responsible to Hitler himself. Handloser's responsibility ran to Hitler through the OKW and Conti's

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through the Ministry of the Interior and the Chief of the Nazi Party Chancery.

In 1942 Hitler for the first time established a medical and health official under his direct control. This official was the defendant Karl Brandt. A Hitler decree of July 1942 gave Brandt the title Plenipotentiary for Health and Medical services, and empowered him to carry out special tasks and negotiations with reference to the requirements for doctors, hospitals, medical supplies, etc., between the military and civilian sectors of the health and sanitation systems. Brandt's role, therefore, was to coordinate the requirements of the military and civilian agencies in the field of medicine and public health.

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Dr. Karl Brandt had been the personal physician to Hitler since 1934. He was only 38 years old at the time he assumed the important duties conferred by the 1942 decrees. His rise continued.

In September 1943, Hitler issued another decree which gave Brandt the title of General Commissioner for Sanitation and Health and empowered him to coordinate and direct the problems and activities of the entire administration for sanitation and health. This authority was explicitly extended to the field of medical science and research.

Finally, in August 1944, Hitler appointed Dr. Brandt Reichkommissar for Sanitation and Health, and stated that in this capacity Brandt's office ranked as the "highest Reich authority". Brandt was authorized to issue instructions to the medical offices and organizations of the government, to the party, and the armed forces, in the field of sanitation and health.

Karl Brandt, as the supreme medical authority in the Reich, appointed the defendant Paul Rostock as his immediate subordinate to head the Office for Scientific and Medical Research. Rostock's position reached into the activities of the medical societies, the medical colleges, and the Reich Research Council. Brandt also appointed Admiral Fickentscher, who had theretofore been the chief medical officer of the German Navy, as his subordinate to head the Office for Planning and Production. In this field, Fickentscher dealt with the principal labor authorities, the Ministry of Economics, and the Ministry for Armament and War Production.

As chief of the medical service of the German Air Forces, the defendant Schroeder also held one of the most

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important positions in the German medical hierarchy. He and the defendant Handloser both held the rank of General-oberstabsarzt the highest rank in the German medical service and the equivalent of Lieutenant General in the American army. I do not propose to go into detail concerning the positions held by the seven defendants who were under Schroeder, inasmuch as Mr. McHaney will introduce charts which show in great detail the structure of the German Air Force Medical Service, which have been authenticated by the defendant Schroeder himself. The defendant Roes held a high rank in the Air Force medical service equivalent to that of Brigadier General in the American Army and was



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appointed special adviser to Schroeder on matters pertaining to tropical medicine, held a chair at one of the most important German medical, institutes, and is one of the most distinguished scientists in the dock. The defendant Becker-Freyseng headed Schroeder's department for Aviation Medicine, at Munich. The defendant Jeltz was chief of the Institute for Aviation Medicine at Munich. The particular functions of the defendants Ruff, Romberg, Schaefer, and Beiglbock will appear as we proceed with the presentation of the evidence.

I will likewise pass over very briefly the detailed functions of the six SS physicians who were shown on the chart as the subordinates of Grawitz. Detailed charts of the SS medical service, authenticated by the defendant Krugowsky, will shortly be introduced in evidence. The defendant Gebhardt was Himmler's personal physician and he held a rank in the SS equivalent to that of a Major General in the American Army. He became the President of the German Red Cross. He was the chief surgeon on Grawitz's staff, and also headed the hospital at Hohenlychen, in which capacity the defendants Oberheuser and Fischer were his assistants. The defendant Roppendick was the chief of Grawitz's personal staff. The defendant Krugowsky was Grawitz's chief hygienist and also headed the hygienic Institute of the Waffen SS. The defendant Goven was the Chief doctor of the Buchenwald concentration camp. The defendant Tokorny is a private physician who had no official connection with the government medical service. We have shown him on the chart underneath the group of SS physicians for reasons which will appear in the course of presenting the evidence concerning sterilization experiments (paragraph 6 (1) of the indictment).

The three defendants who are not doctors are shown in the top right-hand corner of the chart. Two of them--Adolf Brandt and Brack--are administrative officers. Adolf Brandt had the rank of Colonel in the SS, was sort of personal adjutant, and held an administrative office both in the SS and the Ministry of the Interior. Viktor Brack was the chief administrative officer in Hitler's personal chancery, the head of which was Phillip Bouhler.

The defendant Sievers, who held the rank of colonel in the SS as a special case, he was a direct subordinate of Heinrich Himmler in the latter's capacity as President of the so-called "Ahnenerbe" Society. The name of this society literally means "ancestral heritage," and it was originally devoted to scientific and pseudo-scientific researches concerning the anthropological and cultural history of the German race. Later on, an Institute for Military Scientific Research was set up within the Ahnenerbe Society. Sievers was the manager of the Society and the director of the Institute for Military Scientific Research.

This concludes the general description of the German state medical services under the Nazi regime, and of the positions which the defendants occupied in the scheme of things. It is convenient at this point to refer to Count Four of the Indictment, which charges that ten of the defendants were members of an organization declared to be criminal by the International Military Tribunal, and that such membership is in violation of paragraph 1 (d) of Article II of Control Council Law No. 10. The organization in question is the SS.

This Count concerns the defendant Karl Brandt, six of the defendants who were affiliated with the medical service of the SS, and three defendants who are not doctors. It does not concern any of the nine defendants on the military side, nor the defendants, Rostock, Blome, Oberhouser, or Pokorny.

The International Military Tribunal's declaration of criminality applies to all persons who had been officially accepted as members of any branch of the SS, and who remained members after September 1, 1939. The prosecution will show that all ten defendants charged in Count Four were officially accepted as members of the SS and remained so after that date. The defendants, Karl Brandt, Genzken, and Gebhardt held ranks in both the general Allgemeine SS and the Waffen SS equivalent to that of a major General in the American Army. The defendants, Krugosky, Hoven, Poppendick, and Fischer all held officer rank in the SS, or Waffen SS, and all four of them, together with the defendants Genzken and Gebhardt, held position in the SS medical service. The defendant Rudolf Brandt held the rank of

Colonel in the general (Allgemeine) SS, and was a personal assistant to Himmler in Himmler's capacity as Reichsfuehrer SS. The defendant Brack held officer rank in both the SS and the Waffen SS. The defendant Sievers held the rank of Colonel in the SS, and was manager of the Ahnenerbe Society, which was attached to the SS Main Office.

The declaration of criminality by the International Military Tribunal does not apply when it appears that a member of the SS was drafted into membership in

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such a way as to give him no choice in the matter. Nor does it apply if it appears that the member had no knowledge that the organization was being used for the commission of criminal acts. For purpose of this case, these questions, the prosecution believes, will be academic. All of the defendants charged in Count Four held officer rank in the SS, and most of them held senior rank. They were moving spirits and personal participants in murder and torture on a large scale, and in a variety of other crimes. In this connection, we respectfully invite the Tribunal's attention to two statements by the International Military Tribunal which, under Article 7 of Ordinance No. 7, constitute proof in the absence of substantial evidence to the contrary. In setting forth the criminal acts committed by the SS, the International Military Tribunal stated (pp. 15952-53 of the Official Transcript):

"Also attached to the SS Main Offices was a research foundation known as the experiments Ahnenerbe. The scientists attached to this organization are stated to have been mainly honorary members of the SS. During the war an institute for military scientific research became attached to the Ahnenerbe which conducted extensive experiments involving the use of living human beings."

And again the Tribunal stated (p. 15955 of the Transcript):

"In connection with the administration of the concentration camps, the SS embarked on a series of experiments on human beings which were performed on prisoners of war or concentration camps inmates. These experiments included freezing to death, and killing by poison bullets. The SS was able to obtain an allocation of Government funds for this kind research on the grounds that they had access to human material not available to other agencies."

CRIMES COMMITTED IN THE GUISE OF SCIENTIFIC RESEARCH

(Counts Two and Three, Paragraph 6, 7, 11 and 12)

I now turn to the main part of the Indictment and will outline at this point the Prosecution's case relating to those crimes alleged to have been committed in the name of medical or scientific research. The charges with respect to "euthanasia" and the slaughter of tubercular Poles obviously have no relation to research or experimentation and will be dealt with later. What I will cover now comprehends all the experiments charged as war crimes in Paragraph 6 of the indictment and as crimes against

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humanity in Paragraph 11 of the Indictment, and the murders committed for so-called anthropological purposes which are charged as war crimes in Paragraph 7 and as crimes against humanity in Paragraph 12 of the Indictment.

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Before taking up these experiments one by one, let us look at them as a whole. Are they a heterogeneous list of horrors, or is there a common denominator for the whole group?

A sort of rough pattern is apparent on the face of the Indictment. Experiments concerning high altitude, the effect of cold, and the potability of processed sea-water have an obvious relation to aeronautical and naval combat and rescue problems. The mustard gas and phosphorous burn experiments, as well as those relating to the healing value of sulfanilamide for wounds, can be related to air-raid and battlefield medical problems. It is well known that malaria, epidemic jaundice, and typhus (spotted fever) were among the principal diseases which had to be combatted by the German armed forces and by German authorities in occupied countries.

To some degree, the therapeutic pattern outlined above is undoubtedly a valid one, and explains why the Wehrmacht, and especially the German Air Force, participated in these experiments. Fanatically bent upon conquest, utterly ruthless as to the means or instruments to be used in achieving victory, and callous to the sufferings of people whom they regarded as inferior, the German militarists were willing to gather what ever scientific fruit these experiments might yield.

But our proof will show that a quite different and even more sinister objective runs like a red thread through these hideous researches. It will show that, in some instances, the true object of these experiments was not how to rescue or to cure, but how to destroy and kill. The sterilization experiments were, it is clear, purely destructive in purpose. The prisoners at Buchenwald who were shot with poisoned bullets were not guinea pigs to test an antidote for the poison; their murderers really wanted to know how quickly the poison would kill. This destructive objective is not superficially as apparent in the other experiments, but we will show that it was often there.

Mankind has not hitherto felt the need of a word to denominate the science of how must rapidly to kill prisoners and subjugated people in large numbers. This case and these defendants have created this gruesome

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some question for the lexicographer. For the moment, we will christen this macabre science "thanatology," the science of producing death.

The thanatological knowledge, derived in part from these experiments, supplied the techniques for genocide, a policy of the Third Reich exemplified in the "euthanasia" program and in the widespread slaughter of Jews, gypsies, Poles and Russians. This policy of mass extermination could not have been so effectively carried out without the active participation of German medical scientists.

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I will now take up the experiments themselves. Two or three of them I will describe more fully, but most of them will be treated in summary fashion, as Mr. Mc Haney will be presenting detailed proof of each of them.

Next is sub-paragraph "A", High altitude experiments.

The experiments known as "high altitude" or "low pressure", experiments were carried out at the Dachau concentration camp in 1942. According to the proof, the original proposal that such experiments be carried out on human beings originated in the spring of 1941 with a Dr. Sigmund Rascher. Rascher was at that time a captain in the medical service of the German Air Force, and he also held officer rank in the SS. He is believed now to be dead.

The origin of the idea is revealed in a letter which Rascher wrote to Himmler in May 1941 at which time Rascher was taking a course in aviation medicine at a German Air Force Headquarters in Munich. According to the letter, this course included researches into high altitude flying and

"considerable regret was expressed at the fact that no tests with human material had yet been possible for us, as such experiments are very dangerous and nobody volunteers for them."

Rascher, in this letter, went on to ask Himmler to put subjects at his disposal and badly stated that the experiments might result in death to the subjects, but that the tests therefore made with monkeys had not been satisfactory.

Rascher's letter was answered by Himmler's adjutant, the defendant, Rudolf Brandt, who informed Rascher that:

"Prisoners will, of course, gladly be made available for the high flight researches."

Subsequently, Rascher wrote directly to Rudolf Brandt asking for permission to carry out the experiments at the Dachau concentration camp, and he mentioned that the German Air Force had provided a "movable pressure chamber" in which the experiments might be made. Plans for carrying out the experiments were developed at a conference late in 1941 or early in 1942 attended by Dr. Rascher and by the defendant Wetz, Romberg, and

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Ruff, all of whom were members of the German Air Force Medical Service. The tests themselves were carried out in the spring and summer of 1942, using the pressure chamber which the German Air Force had provided. The victims were locked in the low pressure chamber, which was an air tight balllike compartment, and then the pressure in the chamber was altered to simulate the atmosphere conditions prevailing at extremely high altitudes. The pressure in the chamber could be varied with great rapidity, which permitted the defendants to

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to duplicate the atmospheric conditions which an aviator might encounter in falling great distances through space without a parachute and without oxygen.

The reports, conclusions, and comments on these experiments, which were introduced here and carefully recorded, demonstrate complete disregard for human life and callousness to suffering and pain. These documents reveal at one and the same time the medical results of the experiments, and the degradation of the physicians who performed them. The first report by Redeker was made in April, 1942, and contains a description of the effect of the low pressure chamber on a 37-year old Jew. I quote:

"The third experiment of this type took such an extraordinary course that I called an SS physician of the camp as witness, since I had worked on these experiments all by myself. It was a continuous experiment without oxygen at a height of 12 km conducted on a 37-year old Jew in good general condition. Breathing continued up to 30 minutes. After 4 minutes the experimental subject began to perspire and wiggle his head, after 5 minutes cramps occurred, between 6 and 10 minutes breathing increased in speed and the experimental subject became unconscious; from 11 to 30 minutes breathing slowed down to three breath per minute, finally stopping altogether.

"Severest cyanosis developed in between and feet appeared at the mouth.

"At five minute intervals electrocardiograms from 3 leads were written. After breathing had stopped EKG (electrocardiogram) was continuously written until the action of the heart had come to a complete standstill. About 1/2 hour after breathing had stopped, dissection was started.



Rascher's report also contains the following record of the "autopsy":

"When the cavity of the chest was opened, the pericardium was filled tightly. Upon opening of the pericardium, 80 ccm of clear yellowish liquid gushed forth. The moment the tamponade had stopped, the right auricle of the heart began to beat heavily, at first at the rate at 60 actions per minute, then progressively slower. Twenty minutes after the pericardium had been opened, the right auricle was opened by puncturing it. For about 15 minutes, a thin stream of blood spurted forth. Thereafter, closing of the puncture wound in the auricle by coagulation of the blood and renewed a acceleration of the action of the right auricle occurred.

"One hour after breathing had stopped, the spinal marrow was completely severed and the brain removed. Thereupon, the action of the auricle of the heart stopped for 40 seconds. It then renewed its action, coming to a complete standstill eight minutes later. A heavy subarachnoid edema was found in the brain. In the veins and arteries of the brain, a considerable quantity of air was discovered. Furthermore, the blood vessels in the heart and liver were enormously obstructed by embolism."

After seeing this report, Himmler ironically ordered that if a subject should be brought back to life after enduring such an experiment, he should be "pardoned" to life imprisonment in a concentration camp.

Rascher's reply to this letter, dated 20 October 1942, reveals that up to the time the victims of these experiments had all been Poles and Russians, that some of them had been condemned to death, and Rascher inquired whether Himmler's benign mercy extended to Poles and Russians. A teletyped reply from the Defendant, Rudolf Brandt, confirmed Rascher's belief that Poles and Russians were beyond the pale and should be given no amnesty of any kind.

The utter brutality of the crimes committed in conducting this series of experiments is reflected in all the documents. A report written in May 1942 reflects that certain of these tests were carried out on persons described therein as "Jewish professional criminals." In fact, these Jews had been condemned for what the Nazis called "Rassenschande", which literally means "racial shame". The crime consisted of marriage or intercourse between Aryans and non-Aryans. The murder and torture of these unfortunate Jews is eloquently reflected in the following report:

(A recess was taken for 15 minutes)

GENERAL TAYLOR: I was about to quote from a report written in May 1942

describing one of these high altitude tests on a Jewish subject.

proceeding with the quotation:

"Some of the experimental subjects died during a continued high altitude experiment; for instance, after an-half hour at a height of 12 kilometers. After the skull had been opened under water, an ample amount of air embolism was found in the brain vessels and, in part, free air in the brain ventricles.

"In order to find out whether the severe physical and psychical effects, as mentioned under No. 3, are due to the formation of embolism, the following was done: After relative recuperation from such a parachute descending test had taken place, however before regaining consciousness, some experimental subjects were kept under water until they died. Then the skull and cavities of the breast and of the abdomen were opened under water, an enormous amount of air embolism was found in the vessels of the brain, the coronary vessels, and the vessels of the liver and the intestines."

The victims who did not die in the course of such experiments, surely wished that they had. A long report written in July 1942 by Rascher and by the defendants, Ruff and Romberg, describes an experiment on a former delicatessen clerk, who was given and oxygen mask and raised in the chamber to an atmospheric elevation of over 47,000 feet, at which point the mask was removed and a parachute descent was simulated. The report describes the victim's reactions—"spasmodic convulsions", "agonal convulsive breathing", "clonic convulsions, groaning", "yells aloud", "convulses arms and legs", "grimaces, bites his tongue", "does not respond to speech", "gives the impression of someone who is completely out of his mind."

The evidence which we will produce will establish that the defendants, Ruff and Romberg, personally participated with Rascher in experiments resulting in death and torture; that the defendant, Sievers, watched the experiments for an entire day and made an oral report to Himmler on his observations; that the defendant Rudolf Brandt, was the agent of Himmler in providing the human subjects for these experiments and in making many other facilities available to Rascher and rendering him general assistance; and that the defendant, Goetz, in his official capacity, repeatedly insisted on supervision over and full responsibility and credit for the experiments. The higher authorities of both

the German Air Force and the SS were fully informed concerning what was going on. Extensive correspondence will be introduced, for example, concerning the



availability of the low pressure chamber which the German Air Force furnished at Dachau, and concerning the availability of Rascher, who was an officer in the Air Force Medical Service, to conduct the experiments. Knowledge of, participation in, and responsibility for these atrocious crimes on the part of the defendants here charged will be clearly shown by the evidence.

B. Freezing Experiments

The deep interest of the German Air Force in capitalizing on the availability of inmates of concentration camps for experimental purposes is even more apparent in the case of the freezing experiments. These, too, were conducted at Dachau; they began immediately after the high altitude experiments were completed and they continued until the spring of 1943. Here again, the defendant, Woltz, was directly in charge of the experiments with Rascher as his assistant, as is shown in a letter written in May 1942 by Field Marshal Erhard Milch, the Inspector General of the German Air Force, to SS Obergrouppenfuhrer Tolff, who is one of Heinrich Himmler's principal subordinates, and this letter specifically requested on behalf of the German Air Force that the freezing experiments be carried out at Dachau under Woltz's supervision.

The purpose of these experiments was to determine the most effective way of rewarding German aviators who were forced to parachute into the North Sea. The evidence will show that in the course of these experiments, the victims were forced to remain outdoors without clothing in freezing weather from nine to fourteen hours. In other cases, they were forced to remain in a tank of iced water for three hours at a time. The water experiments are described in a report by Rascher written in August 1942.

I quote:

"Electrical measurements gave low temperature readings of 26.4° in the stomach and 26.5° in the rectum. Fatalities occurred only when the brain stem and the back of the head were also chilled. Autopsies of such fatal cases always revealed large amounts of free blood, up to $\frac{1}{2}$ liter, in the cranial cavity. The heart invariably showed extreme dilation of the right chamber. As soon as the temperature in these experiments reached 28°, the experimental subjects died invariably, despite all attempts at resuscitation."

Other documents set forth that from time to time the temperature of the water would be lowered by 10° Centigrade and a quart of blood would be taken from an artery in the subject's throat for analysis. The organs of the victims



the dead were extracted and sent to the Anatomical Institute at Munich.

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Resuscitation of the subjects was attempted by various means, and occasionally and successfully in a very hot bath. In September, Rascher personally ordered that resuscitation by the warmth of human bodies also be attempted, and the inhuman villains who conducted these experiments actually produced four Gypsy women from the Ravensbrück Concentration Camp. When the women arrived, resuscitation was attempted by placing the chilled victim between two naked women.

A voluminous report on the freezing experiments conducted in tanks of ice water written in October 1942 contains the following:

"If the experimental subject were placed in the water under narcosis, one observed a certain arousing effect. The subject began to groan and made some defensive movements. In a few cases a state of excitation developed. This was especially severe in the cooling of the head and neck. But never was a complete cessation of the narcosis observed. The defensive movements ceased after about five minutes. There followed a progressive rigor, which developed especially strongly in the arm musculature; the arms were strongly flexed and pressed to the body. The rigor increased with the continuation of the cooling, now and then interrupted by tonic-clonic twitchings. With still more marked sinking of the body temperature, it suddenly ceased. These cases ended fatally, without any successful results from resuscitation efforts.

"Experiments without narcosis showed no essential differences in the course of cooling. Upon entry into the water, a severe cold shivering appeared. The cooling of the neck and head of the head was felt as especially painful, but already after five to ten minutes, a significant weakening of the pain sensation was observable. Rigor developed after this time in the same manner as under narcosis, likewise the tonic-clonic twitchings. At this point speech became difficult because the rigor also affected the speech musculature.

"Simultaneously with the rigor, a severe difficulty in breathing set in with or without narcosis. It was reported that, as to speech, an iron ring was placed about the chest. Objectively, already at the beginning of this breathing difficulty, a marked dilation of the nostrils occurred. The expiration was prolonged and visibly difficult. This difficulty passed over into a rattling and searing breathing."

During the winter of 1942 to 1943, experiments with "dry" cold were also conducted. And Rascher reported on these in another letter to Himmler:

"Up to now, I have cooled off about 30 people stripped in



The responsibility among the defendants from the freezing experiments is substantially the same as for the high altitude tests. The results were, if anything, even more widely known in German medical circles. In October 1942, a medical conference took place here in Nurnberg at the Deutscher Hof Hotel, at which one of the authors of the report from which I have just quoted spoke on the subject "Prevention and Treatment of Freezing", and the defendant Woltz, spoke on the subject "Warming up after Freezing to the Ganger Point." Numerous documents which we will introduce show the widespread responsibility among the defendants and in the highest quarters of the German Air Force, for these sickening crimes



C. Malaria Experiments

Another series of experiments carried out at the Dachau Concentration Camp concerned immunization for and treatment of malaria. Over 1,200 inmates, of practically every nationality, were experimented upon. Many persons who participated in these experiments have already been tried before a general military court held at Dachau, and the findings of that court will be laid before this Tribunal. The malaria experiments were carried out under the general supervision of a Dr. Schilling, with whom the defendant Sievers and others in the box collaborated. The evidence will show that healthy persons were infected by mosquitoes or by injections from the glands of mosquitoes. Catholic priests were among the subjects. The defendant Gebhardt kept Hitler informed of the progress of these experiments. Rose furnished Schilling with fly eggs for them, and others of the defendants participated in various ways which the evidence will demonstrate.

After the victims had been infected, they were variously treated with quinine, neo-salvarsan, pyrazinon, antipyrin, and several combinations of these drugs. Many deaths occurred from excessive doses of neo-salvarsan and pyrazinon. According to the findings of the Dachau court, malaria was the direct cause of 30 deaths and 300 to 400 others died as the result of later subsequent complications.

B. Mustard Gas Experiments

The experiments concerning mustard gas were conducted at Sachsenhausen, Butzweiler, and other concentration camps and extended over the entire period of the war. Wounds were deliberately inflicted on the victims, and the wounds were then infected with mustard gas. Other subjects were forced to inhale the gas, or to take it internally in liquid form, and still others were injected with the gas. A report of these experiments written at the end of 1939 described certain cases in which wounds were inflicted on both arms of the human guinea pig and then infected and the report states:

"The arms in most of the cases are badly swollen and pains are enormous." The alleged purpose of these experiments was to discover an effective

treatment for the burns caused by mustard gas. In 1944, the experiments were coordinated with a general program for research into gas warfare. A decree issued by Hitler in March 1944 ordered the defendant Karl Brandt to push up medical research in connection with gas warfare. The defendant Rudolf Brandt sent copies of this decree to the defendant Siavers, to Grawitz and others, and transmitted Hitler's request that they confer soon with the defendant Karl Brandt "on account of the urgency of the order given him by the Fuehrer." Subsequently Siavers, who was thoroughly familiar with the mustard gas experiments being carried on in the concentration camps, reported the details of these experiments to the defendant Karl Brandt.

E and F. Ravensbruck Experiments concerning Sulfanilamide and
Other Drugs; Bone, Muscle, and Nerve
Regeneration and Bone Transplantation.

The experiments conducted principally on the female inmates of Ravensbruck Concentration Camp were perhaps the most barbaric of all. These concerned bone, muscle, and nerve regeneration and bone transplantation, and experiments with sulfanilamide and other drugs. They were carried out by the defendants Fischer and Oberhauser under the direction of the defendant Gebhardt.

In one set of experiments, incisions were made in the legs of several of the camp inmates for the purpose of simulating battle-caused infections. A bacterial culture, or fragments of wood shavings, or tiny pieces of glass were forced into the wound. After several days, the wounds were treated with sulfanilamide. Grawitz, the head of the SS Medical Service, visited Ravensbruck and received a report on these experiments directly from the defendant Fischer. Grawitz thereupon directed that the wounds inflicted on the subjects should be even more severe so that conditions more completely similar to those prevailing at the front lines would be more completely simulated.

Bullet wounds were simulated on the subjects by tying off the blood vessel at both ends of the incision. A gangrene-producing culture was then placed in the wounds. Severe infection resulted within twenty-four

hours. Operations were then performed on the infected area and the wound was treated with sulfanilamide. In each of the many sulfanilamide experiments, some of the



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subjects were wounded and infected but were not given sulfanilamide, so as to compare their reactions with those who received treatment.

Bone transplantation from one person to another and the regeneration of nerves, muscles, and bones were also tried out on the women at Ravensbruck. The defendant Gebhardt personally ordered that bone transplantation experiments be carried out, and in one case the scapula of an inmate at Ravensbruck was removed and taken to Hohenzlychen Hospital and there transplanted. We will show that the defendants did not even have any substantial scientific objective. These experiments were senseless, sadistic, and utterly savage.

The defendant Oberhauser's duties at Ravensbruck in connection with the experiments were to select young and healthy inmates for the experiments, to be present at all of the surgical operations, and to give the experimental subjects post-operative care. We will show that this care consisted chiefly of utter neglect of nursing requirements, and cruel and abusive treatment of the miserable victims.

Other experiments in this category were conducted at Dachau to discover a method of bringing about coagulation of the blood. Concentration camp inmates were actually fired upon, or were injured in some other fashion in order to cause something similar to a battlefield wound. These wounds were then treated with a drug known as polygal in order to test its capacity to coagulate the blood. Several inmates were killed. Sulfanilamide was also administered to some and withheld from other inmates who had been infected with the pus from a phlegmon diseased person. Blood poisoning generally ensued. After infection, the victims were left untreated for three or four days, after which various drugs

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were administered experimentally or experimental surgical operations were performed. Polish Catholic priests were used for these tests. Many died and others became invalids.

As a result of all of these senseless and barbaric experiments, the defendants are responsible for manifold murders and untold cruelty and torture.

G. Seawater Experiments

For the seawater experiments we return to Dachau. They were conducted



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in 1944 at the behest of the German Air Force and the German Navy in order to develop a method of rendering seawater drinkable. Meetings to discuss this problem were held in May 1944, attended by representatives of the Luftwaffe, the Navy, and I.G. Farben. The defendants Becker-Freyseng and Schaefer were among the participants. It was agreed to conduct a series of experiments in which the subjects, fed only with ship-wreck emergency rations, would be divided into four groups. One group would receive no water at all; the second would drink ordinary seawater; the third would drink seawater processed by the so-called "Berka" method, which concealed the taste but did not alter the saline content; the fourth had to drink seawater treated so as to remove the salt.

Since it was expected that the subjects would die, or, at least, suffer severe impairment of health, it was decided at the meeting in May 1944 that only persons furnished by Himmler could be used. Thereafter in June 1944 the defendant Schroeder set the program in motion by writing to Himmler and I quote from his letter:

"Earlier you made it possible for the Luftwaffe to settle urgent medical matters through experiments on human beings. Today I again stand before a decision, which, after numerous experiments on animals and also on voluntary human subjects, demands final resolution: The Luftwaffe has simultaneously by a Medical Officer, removes the salt from the seawater and transforms it into real drinking water; the second method, suggested by an engineer, only removes the unpleasant taste from the seawater. The latter method, in contrast to the first, requires no critical raw material. From the medical point of view this method must be viewed critically, as the administration of concentrated salt solutions can produce severe symptoms of poisoning.

"As the experiments on human beings could thus far only be carried out for a period of four days, and as practical demands require a remedy for those who are in distress at sea up to 12 days appropriate experiments are necessary.

"Required are 40 healthy test subjects, who must be available for 4 whole weeks. As it is known from previous

experiments, that necessary laboratories exist in the concentration camp Dachau, this camp would be very suitable.

"Due to the enormous importance which a solution of his question has for soldiers of the Luftwaffe and Navy who have become shipwrecked, I would be greatly obliged to you, my dear Reich Minister, if you would decide to comply with my request."

Himmler passed this letter to Grawitz who consulted Gebhardt and other SS officials. A typical and nauseating Nazi discussion of racial question



ensued. One SS man suggested using quarantined prisoners and Jews ; another suggested Gypsies. Grawitz doubted that experiments on Gypsies would yield results which were scientifically applicable to Germans. Himmler finally directed that Gypsies be used with three others as a check.

The tests were actually begun in July 1944. The defendant Beiglback supervised the experiments, in the course of which the Gypsy subjects underwent terrible suffering, became delirious or developed convulsions, and some died.



H. Epidemic Jaundice

The epidemic jaundice experiments, which took place at Buchenwald and Natzweiler concentration camps, were instigated by the defendant Karl Brandt. A letter written in 1943 by Grawitz stresses the enormous military importance of developing an inoculation against epidemic jaundice, which had spread extensively in the Waffen-SS and the German Army, particularly in Southern Russia. In some companies, up to 60 % casualties from epidemic jaundice had occurred. Grawitz further informed Himmler that, and I quote :

"The General Kommissar of the Fuehrer, SS Brigadefuehrer Prof. Dr. BRANDT has approached me with the request to help him obtain prisoners to be used in connection with his research on the causes of Epidemic Jaundice which has been furthered to a large degree by his efforts." "In order to enlarge our knowledge, so far based only on inoculation of animals with germs taken from human beings, it would not be necessary to reverse the procedure and inoculate human beings with germs cultivated in animals. Casualties (Todesfallo) must be anticipated."

Grawitz also had been doing research on this problem with the assistance of a Dr. Dohmen, a medical officer attached to the Army Medical Inspectorate. Himmler made the following reply to the Grawitz letter :

"Approve the 8 criminals condemned in Auschwitz (8 Jews of the Polish resistance movement condemned to death) should be used for these experiments."

Other evidence will indicate that the scope of these experiments was subsequently enlarged and that murder, torture, and death resulted from them.

I. Sterilization Experiments

In the sterilization experiments conducted by the defendants at Auschwitz, Ravensbruck, and other concentration camps, the destructive nature of the Nazi medical program came out most forcibly. The Nazis were searching for methods of extermination, both by murder and sterilization,

Chart No. 1

of large population groups, by the most scientific and least conspicuous means. They were developing a new branch of medical science which would give them the scientific tools for the planning and practice of genocide. The primary purpose was to discover an inexpensive, unobtrusive, and rapid method of sterilization which could be used to wipe out Russians, Poles, Jews and other people. Surgical sterilization was thought to be too slow and expensive to be used on a mass scale.

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A method to bring about an unnoticed sterilization was thought desirable.

Medicinal sterilizations were therefore carried out.

A. Dr. Madaus had stated that caladium seguinum, a drug obtained from a north American plant, if taken orally or by injection, would bring about sterilization. In 1941, the defendant Pokorny called this to Himmler's attention, and suggested that it should be developed and used against Russian prisoners of war. I quote one paragraph from Pokorny's letter written at that time:

"If, on the basis of his research, it were possible to produce a drug which after a relatively short time, effects an imperceptible sterilization on human beings then we would have a powerful new weapon at our disposal. The thought alone that the 3 million Bolcheviki, who are at present German prisoners, could be sterilized so that they could be used as laborers but be prevented from reproduction, opens the most far-reaching perspectives."

As a result of Pokorny's suggestion, experiments were conducted on concentration camp inmates to test the effectiveness of the drug. At the same time efforts were made to grow the plant on a large scale in hothouses.

At the Auschwitz concentration camp sterilization experiments were also conducted on a large scale by a Dr. Karl Clauberg, who had developed a method of sterilizing women, based on the injection of an irritating solution. Several thousand Jewesses and Gypsies were sterilized at Auschwitz by this method.

Conversely, surgical operations were performed on sexually abnormal inmates at Buchenwald in order to determine whether their virility could be increased by the transplantation of glands. Out of fourteen subjects of these experiments, at least two died.

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The defendant Gebhardt also personally conducted sterilizations at Ravensbruck by surgical operation. The defendant Viktor Brack in March, 1941, submitted to Himmler a report on the progress and state of X-ray sterilization with powerful X-rays could be accomplished and that castration would then result. The danger of this X-ray method lay in the fact that other parts of the body, if they were not protected with lead, were also seriously affected. In order to prevent the victims from realizing that they were being castrated,

Brack made the following fantastic suggestion in his letter written in 1941 to Himmler from which I quote:

"One way to carry out these experiments in practice would be to have those people who are to be treated line up before a counter. There they would be questioned and a form would be given them to be filled out, the whole process taking two or three minutes. The official attendant who sits behind the counter can operate the apparatus in such a manner that he works a switch will start both tubes together (as the rays have to come from both sides). With one such installation with two tubes about 150 to 200 persons could be sterilized daily, while 20 installations would take care of of 3,000 to 4,000 persons daily. In my opinion the number of daily deportations will not exceed this figure."

In this same report the defendant Brack related that, I quote

"..... the latest X-ray technique and research make it easily possible to carry out mass sterilization by means of X-Rays. However, it appears to be impossible to take these measures without having those who were so treated finding out sooner or later that they definitely had been either sterilized or had been castrated by X-rays."

Another letter from Brack to Himmler in June, 1942, laid the basis for X-ray experiments which were subsequently carried out at Auschwitz. The second paragraph of this letter forms a fitting conclusion to this account of Nazi depravity, and I quote:

"Among ten millions of Jews in Europe there are, I figure, at least two to three million of men and women who are fit enough to work. Considering the extraordinary difficulties to labor problem presents us with, I hold the view that these two to three millions should be specially selected and preserved. This can, however, only be done if at the same time they are rendered incapable to propagate. About a year ago I reported to you that agents of mine have completed the experiments necessary for this purpose. I would like to recall these facts once more. Sterilization, as normally performed on persons with hereditary diseases, is here out of the question because it takes too long and is too expensive. Castration by X-rays, however, is not only relatively cheap but can also be performed on many thousands in the shortest time. I think that at this time it is already irrelevant whether the people in question become aware of having been castrated after some weeks or months once they feel the effects."

J. Typhus (Fleckfieber) and Related Experiments.

From December, 1941, until near the end of the war, a large program of medical experimentation was carried out

upon concentration camps inmates at Buchenwald and Natz-
weiler to investigate the value of various vaccines. This
research involved a variety of diseases -- typhus, yellow
fever, small pox, paratyphoid A and B, cholera, and dip-
theria. A dozen or more of the defendants were involved
in these experiments, which were characterized by the most
cynical disregard of human life. Hundreds of persons died.
The experiments

concerning typhus, known in Germany as Fleckfieber or spot fever, but is not to be confused with American spotted fever, were particularly appalling.

The typhus experiments at Natzweiler were conducted by Dr. Robert Hagen, an officer in the Air Force medical service and a professor at the University of Strasbourg. In the fall of 1943, through the defendant Sievers, Hagen obtained the permission to use prisoners for experiments with typhus. He secured more prisoners from the winter of 1944. These experiments caused many deaths among the prisoners.

The general pattern of these typhus experiments was as follows: A group of concentration camp inmates, selected from the hospital ward who had some resistance to disease, were selected with an anti-typhus vaccine, the efficiency of which was to be tested. Thereafter, all the inmates in the group would be infected with typhus. At the same time, other inmates who had not been vaccinated were also infected for purposes of comparison—these unvaccinated victims were called the "control" group. But perhaps the most wicked and murderous circumstance in this whole case is that still other inmates were deliberately infected with typhus with the sole purpose of keeping the typhus virus alive and generally available in the blood-stream of the inmates.

The typhus murders at Buchenwald were carried out in 1942 and 1943 under the direction of the defendants Gonzken and Hrubsky. Requests for the human guinea pigs were turned over to and filled by the defendant Hoven. The bulk of the actual work was done by an infamous physician known as Dr. Ding, who committed suicide after the war. But Dr. Ding's professional diary has survived.

The first entry in Ding's diary, for December 19, 1943, reveals that here again the impetus for these murderous researchers came from Wehrmacht. This entry describes a conference sponsored by the defendant Wandlosor and Dr. Conti, respective heads of the military and civilian

medical services of the Reich, which was also attended by the defendant Dragowsky. Typhus had been making serious inroads on the German troops fighting in Russia. The account of this conference relates that, and I quote:



"Since tests on animals are not of sufficient value, tests on human beings must be carried out."

Other entries in the Ding diary quoted below are typical of those made over a period of three years, and give some idea of the mortality among the victims.

"10 Jan. 42: Preliminary test B: Preliminary test to establish a sure means of infection: Such as in smallpox vaccination, 5 persons were infected with virus through 2 superficial and 2 deeper cuts in the upper arm. All of the humans used for this test fell ill with true typhus. Incubation period up to 6 days.

20 Feb. 42. Chart of the case history of the preliminary tests to establish a sure means of infection were sent to Berlin. 1 death out of 5 sick.

17 Mar. 42: Visit of Prof. GILBERTS and Prof. ROSE (Department head for tropical medicine of the Robert Koch Institute) at the experimental station. All persons experimented on fell sick with typhus, except two, who, the fact was established later, already had been sick with typhus during an epidemic at the police prison in Berlin.

9 Jan. 43: By order of the surgeon general of the Waffen SS, SS-Gruppenfuhrer and Inf. Gen. of the Waffen SS, Dr. G. MEYER, the hitherto existing typhus research station at the concentration camp Buchenwald becomes the Department for typhus and virus research. The head of the department will be SS Strassenfuhrer Dr. Ding. During his absence, the station medical officer of the Waffen SS, MEYER, SS-Hauptsturmfuhrer HOVEN will supervise the production of vaccines.

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13 and 14 April 1943: Unit of SS-Sturmabfuhrer Dr. Ding ordered to I.G. Farben-industrie A.G. Hoechst. Conference with Prof. LAUTENSCHLAGER, Dr. WEBER, and Dr. FUSSEGAEMER about the experimental series 'Akridin Granulat and Rutonol' in the concentration camp Buchenwald. Visit to Geheimrat Otto and Prof. PRIGGE in the institute for experimental therapeutics in Frankfurt-on-Main.

24 April 1943: Therapeutic experiments Akridin-Granulat (A-GR 2) and Rutonol (R-2). To carry out the therapeutic experiments Akridin-Granulat and Rutonol, 30 persons (15 each) and 9 persons were infected by intravenous injection of 2 cc each of fresh blood of a typhus sick person. All experimental persons got very serious typhus.

1 June 1943: Charts of case history completed. The experimental series was concluded with 21 deaths; of these, 8 were in Buchenwald, 8 at Rutone 1 and 5 control.

7 September 1943: Chart and case history completed. The experimental series was concluded with 53 deaths.

18 March 1944: It is suggested by Colonel for the air-corps, Prof. ROSE, the vaccine 'Kopenhagen' produced from mouse liver by the national serum institute in Copenhagen, be tested for its compatibility on humans. 20 persons were vaccinated for immunization by intramuscular injection. 10 persons were contemplated for control and comparison.

16 April 1944: The remaining experimental persons were infected on 16 April by subcutaneous injection of 1/20 cc typhus sick fresh blood. The following fell sick: 17 persons immunized: 9 medium, 8 seriously. 9 persons from the control: 2 medium, 7 seriously.

13 June 1944: Chart and case history completed and sent to Berlin. 6 deaths (3 'Kopenhagen') (3 control)

4 November 1944: Chart and case history completed. 24 deaths.

Copies of each of Dr. Ding's official reports went to the defendants Murgowsky and Poppendick as well as to the I.G. Farben laboratories at Hoechst. Now here will the evidence in this case reveal a more wicked and murderous course of conduct by men who claimed to practice the healing art than in the entries of Dr. Ding's diary relating to the typhus experiment.

K. Poison Experiments

Here again the defendants were studying how to kill, and the scene is Buchenwald. Poisons were administered to Russian prisoners-of-war in their food and German doctors stood behind a curtain to watch the reactions of the prisoners. Some of the Russians died immediately, and the survivors were killed in order to permit the autopsies.

The defendant Wragowsky, in a letter written in September 1944, has provided us with a record of another experiment in which the victims were shot with p poisons bullets, and I quote :

"In the presence of SS-Sturmabfuhrer Dr. Ding, Dr. DING, Dr. WIDMANN and the undersigned, experiments with Aconitin nitrate projectiles were conducted on 11 September 1944 on 5 persons who had been condemned to death. The projectiles in question were of a 7.65 m caliber, filled with crystallized poison. The experimental subject, in a lying position, were each shot in the upper part of the left thigh. The thighs of two of them were cleanly shot through. Afterwards, no effect of the poison was to be observed. These two experimental subjects were therefore exempted.

"During the first hour of the experiment the pupils did not show any changes. After 78 minutes the pupils of all three showed a medium dilation, together with a retarded light reaction. Simultaneously, maximum respiration with heavy breathing inhalations set in. This subsided after a few minutes. The pupils contracted again their reaction improved. After 65 minutes the patellar and achilles tendon reflexes of the poisoned subjects were also negative. After approximately 90 minutes, one of the subjects again started breathing heavily; this was accompanied by an increasing motor unrest. Then the heavy breathing changed into a flat, accelerated respiration, accompanied by extreme nausea. One of the poisoned persons try in vain to vomit. To do so he introduced four fingers of his hand up to the knuckles into his throat, but nevertheless could not vomit. His face was flushed.

"The other two experimental subjects had already early shown a pale face. The other symptoms were the same. The motor unrest increased so much that the persons flung themselves up and then down, rolled their eyes and made meaningless motions with their hands and arms. Finally, the agitation subsided, the pupils dilated to the maximum, and the condemned lay motionless. Death occurred 121, 123, and 129 minutes after entry of the projectiles."

I now turn to the charges in paragraphs 7 and 11 of the indictment,

L. Incendiary Bomb Experiments.

THE PRESIDENT: At this time we'll take our noon recess and reconvene at 1:30 o'clock, p.m.

COLLECTED COPY

AFTERNOON SESSION

GENERAL TAYLOR: I come now to charges stated in Paragraphs 7 and 11 of the Indictment. These are perhaps the most utterly repulsive charges in the entire Indictment. They concern the defendants Rudolf Brandt and Sievers. Sievers and his associates in the Ahnenerbe Society were completely obsessed by all the vicious and malignant Nazi racial theories. They conceived the notion of applying these nauseous theories in the field of anthropology. What ensued was murderous folly.

In February 1942, Sievers submitted to Himmler, through Rudolf Brandt, a report from which the following is an extract:

"We have a nearly complete collection of skulls of all races and peoples at our disposal. Of the Jewish race, however, only very few specimens of skulls are available with the result that it is impossible to arrive at precise conclusions from examining them. The war in the East now presents us with the opportunity to overcome this deficiency. By procuring the skulls of the Jewish-Bolshevik Commissars, who represent the prototype of the repulsive, but characteristic subhuman, we have the chance now to obtain a palpable, scientific document.

"The best, practical method for obtaining and collecting this skull material could be handled by directing the Wehrmacht to turn over alive all captured Jewish-Bolshevik Commissars to the Field Police. They in turn are to be given special directives to inform a certain office at regular intervals of the number and place of detention of these captured Jews and to give them special close attention and care until a special delegate arrives. This special delegate, who will be in charge of securing the 'material' has the job of taking a series of previously



anthropological measurements, and in addition has to determine, as far as possible, the background, date of birth, and other personal data of the prisoner. Following the subsequently induced death of the Jew, whose head should not be damaged, the delegate will separate the head from the body and will forward it to its proper point of destination in a hermetically sealed tin can, especially produced for this purpose and filled with a conserving fluid.

"Having arrived at the laboratory, the comparison tests and anatomical research on the skull, as well as determination of the race membership of pathological features of the skull form, the form and size of the brain, etc., can proceed. The basis of these studies will be the photos, measurements, and other data supplied on the head and finally the tests of the skull itself."

After extensive correspondence between Himmler and the defendants Sievers and Rudolf Brandt, it was decided to procure the skulls from inmates of the Auschwitz concentration camp instead of at the front. The hideous program was actually carried out, as is shown by a letter from Sievers written in June 1943, which states in part:

"I wish to inform you that our associate, Dr. Soger, who was in charge of the above special project, has interrupted his experiments in the Concentration Camp Auschwitz because of the existing danger of epidemics. Altogether 115 persons were worked on. 79 were Jews, 30 were Jewesses, 2 were Poles, and 4 were Asiatics. At the present time these prisoners are segregated by sex and are under quarantine in the two hospital buildings of Auschwitz."

After the death of these wretched Jews had been "induced," their corpses were sent to Strasbourg. A year elapsed, and

the Allied armies were racing across France and were nearing Strasbourg where this monstrous exhibit of the culture of the master race reposed. Alarmed, Sievers sent a telegram to Rudolf Brandt in September 1944, from which I quote:

"According to the proposal of February 9, 1942, and your approval of February 23, 1942, Professor Dr. Hirt has assembled a skeleton collection which has never been in existence before. Because of the vast amount of scientific research that is connected with this project, the job of reducing the corpses to skeletons has not yet been completed. Since it might require some time to process 80 corpses, Hirt requested a decision pertaining to the treatment of the collection stored in the morgue of the Anatomic, in case Strasbourg should be endangered. The collection can be de-fleshed and rendered unrecognizable. This, however, would mean that the whole work had been done for nothing -- at least in part -- and that this singular collection would be lost to science, since it would be impossible to make plaster casts afterwards. The skeleton collection, as such, is inconspicuous. The flesh parts could be declared as having been left by the French at the time we took over the Anatomic and would be turned over for cremating. Please advise me which of the following three proposals is to be carried out:

- 1) The collection as a whole is to be preserved.
- 2) The collection is to be dissolved in part.
- 3) The collection is to be completely dissolved."



The final chapter of this barbaric enterprise is found in a note in Himmler's files addressed to Rudolf Brandt stating that:

"During his visit at the Operational Headquarters on 21 November 1944, Sievers told me that the collection in Strasbourg had been completely dissolved in conformance

with the directive given him at the time. He is of the opinion that this arrangement is for the best in view of the whole situation."

Those men, however, reckoned without the hand of fate. The bodies of those unfortunate people were not completely disposed of, and this Tribunal will hear the testimony of witnesses and see pictorial exhibits depicting the charnel house which was the Anatomy Institute of the Reich University of Strasbourg.

I have now completed the sketch of some of the foul crimes which these defendants committed in the name of research. The horrible record of their degradation needs no underlining. But German medical science was, in past years, honored throughout the world, and many of the most illustrious names in medical research are German. How did these things come to pass? I will outline briefly the historical evidence which we will offer and which, I believe, will show that these crimes were the logical and inevitable outcome for the prostitution of German medicine under the Nazis.

German Medical Organization Before 1933.

Two years after the reconstitution of the German Reich, in 1871, the German Medical Association (Deutscher Aerztevereinsbund) was created, which tied together the older local medical associations. This Society existed until it was abolished by the Nazi Government. Its structure was democratic, and its interests included problems of hygiene and public health, and to an increasing extent, socio-medical problems especially in the field of sickness and disability insurance.

Bismarck's legislation of 1881 established compulsory sickness insurance for workmen. In the course of the ensuing years, the vast bulk of the workmen were insured, and consequently most of the ordinary physician's patients came to be insured patients. There were lists of physicians authorized to treat insured patients, and it was a matter of vital moment.

to every practicing physician to be on that list. To protect their interests with respect to listing, fees and other such problems, the German doctors founded a voluntary association for the defense of their economic interests known as the Hartmann Bund.

Questions of professional ethics, medical malpractice, etc. were handled in Germany in two distinct sets of medical boards or "Courts". An entirely unofficial and voluntary system was established by the German Medical Association. The other, which was endowed with semi-official status, was called the Reich Chamber of Physicians. These chambers were elected by vote of the members and were supported by an assessment.

In addition to these organizations, there existed in Germany purely professional societies of doctors, where papers concerning scientific and practical problems were read and discussed, and which established connections with similar societies abroad.



The German Government agencies which supervised the certification and licensing of physicians as well as their professional activities were the Ministry of Education and the Reich Health Office (Reichsgesundheitsamt) in the Ministry of the Interior. The latter supervised medical practice and licensing through the channels of the Ministries of the Interior of the various German states, although licensing was a Federal function rather than a state function.

Medical education and training was rather standardized but good. The students spent five or six years at one or several of the medical universities, they took a final examination covering their clinical studies and then spent a year at an authorized hospital under supervision. Thereafter the internes were licensed, and permitted to establish a practice. After two more years they became eligible to treat insurance patients, and, after submitting a thesis, could obtain the degree of doctor from a university.

The Immediate Impact of Nazism on German Medicine

In the years immediately preceding the Third Reich, physicians' organizations devoted to party politics sprang up. One of these was the Nationalist Socialist Physicians' Society, founded in 1929, in which Conti played a leading role. There was a rival Association of Social Democratic Physicians, and a Socialist Society of Physicians. These societies proposed candidates for election to the Physicians' Chambers, and thus the National Socialist Physicians' Society and the Socialist associations came to compete with each other.

April, 1, 1933, the notorious "boycott day" in Berlin, was a day of disgrace for German medicine. Members of the National Socialist Physicians' Society, who knew the membership lists of the socialist societies and the lists of Jewish physicians, broke into the apartments of their socialist and Jewish colleagues in the early morning hours, pulled them out of their beds, beat them and brought them to the exhibition area near the Berlin Lehrter Station. There, all of them, including men up to 70 years old, were forced to run around the garden, as in a hippodrome, and they were shot at with pistols or beaten with sticks. There they had to stay for several

Phys without sufficient food, and then were handed over to the SA, which carried part of them to the cellars at the Hohenstrasse jail for further tortures.

Thereafter, the members of the Socialist Society of Physicians were barred from all insurance practice because of "Communist and subversive activities." In the subsequent listings of physicians issued by the insurance companies, the Jewish physicians were included in a separate list headed "Enemies of the State or Jews." Soon, the insurance companies, even private ones, were no longer permitted to pay fees to the Jewish physicians. Immediately thereafter, Jewish physicians were excluded from all professional and scientific societies. At first, those who were war veterans were nominally allowed to carry on their insurance practice, but patients who kept going to them were threatened and exposed to all kinds of unpleasantness on the part of the insurance officials.

After the war began, certification and licensing was withdrawn from all Jewish physicians and they were degraded to the status of lay therapists. These physicians were forced to wear a blue shield with the Star of David and had to add a middle name such as "Sara" or "Israel." Their prescriptions likewise had to bear the Star of David, which exposed their patients to all kinds of unpleasantness when filling them at pharmacies, most of which had signs in their windows reading "Jews not wanted."

At first, the Aryan physicians were allowed to treat Jewish patients, but finally they were prohibited from doing so. Hospitals refused admission to Jewish patients, apart from a few courageous ones who admitted them in defiance of the law. Jews were admitted to mental institutions in separate wards, but usually were quickly transported elsewhere for extermination.

In the early summer of 1943, Conti instigated and directed a wholesale persecution of doctors who were either foreigners or persons of so-called mixed blood and those related by marriage to Jews. At first, they were removed from their practice and sent off to posts under inferior party doctors. In 1946, Conti went a step further and forbade these physicians to practice. They were drafted into the Speer organization, in which they

were employed solely at manual labor, their living conditions being little better than those of concentration camp inmates.

The Prostitution of German Medicine under National Socialism

The totalitarian structure of the Nazi State demanded fundamental subordination of all principles of medicine to national-socialist population policy and racial concepts. The most emphatic and repelling expression of these new aims and goals came from the Nazi Director of Public Health in the Ministry of the Interior. Dr. Arthur Gutt, who took office in 1933. In a book published in 1935, entitled, "The Structure of Public Health in the Third Reich", Gutt announced that "the ill-conceived 'love of thy neighbor' has to disappear, especially in relation to inferior or asocial features. It is the supreme duty of a national state to grant life and livelihood only to the healthy and hereditarily sound portion of the people in order to secure the maintenance of a hereditarily sound and racially pure folk for all eternity. The life of an individual has meaning only in the light of that ultimate aim; that is, in the light of his working to his family and to his national state."

The entire public health policy of the Third Reich was put in line with this pronouncement of principles. The Minister of the Interior, Frick, reorganized the Health Department in his Ministry in such a way that police, public health, welfare administration and social services were all coordinated in pursuit of these goals. The beginnings of this reorganization started directly in the summer of 1933, and were substantially completed by 1936. All these activities were concentrated under Dr. Gutt, who was thus enabled to coordinate the practical application of his policy with his theoretical principles. Even psychiatric social service agencies, which did thorough and well-organized work prior to 1933, were reduced to mere screening stations for hereditary and racial selection.

All government-employed physicians had to take a special new course lasting 18 months and had to be party members. The German Red Cross was likewise drawn into the orbit of the Nazi party and the SS, in view of

Dr. Grawitz' appointment as President of the Red Cross. In 1945, after Grawitz' suicide, the defendant Gebhardt succeeded him.

The Third Reich also completely reorganized the professional medical societies. The German Medical Association and the Hartmann Bund were abolished. All German physicians were reorganized through an organization derived from the Reich Physician's Chamber. This National Physicians'



Quarber was placed directly under a medical "Fuehrer" with the title of Reichsarzt-Fuehrer. This position was also held by Conti. All doctors except those on active military duty were subordinate to him. His regional deputies were selected from the ranks of active national socialists who terrorized the district branch societies. These deputies, who usually strutted about in SA or SS uniforms, were recruited mainly from the early members of the National Socialist Medical Association. It was their job to bring pressure on physicians to join and take part in various party organizations, such as the SA and SS.

A command performance, especially for younger physicians, was attendance at the so-called Fuehrer-School of German Physicians, at Altrhose in Mecklenburg, which had been organized by the defendant Blum. There physicians were indoctrinated in the national socialist point of view and way of life. The so-called comradeship association and sports activity were merely window dressing for political spying. These courses finally became compulsory and had to be attended for several months annually.

The general respect in which doctors were held sunk in view of the decreasing level of general education and ability of the doctors. This was partly due to the constant occupation of the physicians' time with party functions, especially the time consumed in party formations and marches which made it impossible for young physicians to develop scientific interests, so that recent graduation increasingly lost understanding and inclination for serious scientific study and long-range research.

Medical School and Medical Training

under the Nazis

On paper, medical training under the Nazis differed little from that of the pre-Nazi era. However, its fundamental spirit was ruinously distorted and medical standards suffered a dismal decline.

Medical students had to be "Aryan", and were required to belong to the National Socialist Students' League. The student's

entire course of studies was constantly interrupted by the demands of the various party organizations to which they were forced to belong. A student whose knowledge of the racial theories and Nuremberg laws was not sufficient would fail his medical examinations.

Chairs in the universities were filled in many cases by Nazi so-called "professors" who might or might not have a scientific background. The true scientific societies under the Nazi Regime became less and less active, and the Nazi professors in the universities devoted more time and interest to their SA or SS organizations than to the teaching of medicine. These Nazi professors would don their brown SA or black SS uniforms on all possible occasions, exchanging them proudly for their academic gowns at all academic celebrations and meetings.

The worst Nazi politicians, like Streicher, were given the free run of university clinics, such as at Erlangen. This subservience to lay politicians led to a general decline of respect for German academic medicine not only on the part of their own public and abroad, but even on the part of the very same politicians before whom they kowtowed. This went as far that Streicher, when addressing a full faculty meeting at the University of Erlangen in 1936, called the assembled professors "complete idiots" to their faces. This was by no means an isolated occurrence.

Particularly deplorable was the degradation of psychiatry. Psychiatric university teaching declined to the level of a mere rehearsal of the Nuremberg and sterilization laws. The modern techniques of psychotherapy had been



abandoned, and treatment deteriorated to pep talks full of Nazi indoctrination admonitions and threats. No wonder that these methods backfired in that the best interests of the German war effort which they were foolishly intended to serve. The lack of proper understanding and treatment of German soldiers who develop combat fatigue or neurosis, on the part of their own medical personnel, drove many of them to surrender to the enemy; efforts to rehabilitate them and restore them to duty were frustrated by the ruinous infusion of Nazi doctrine.

Summary

The general decline of German medical conduct and the poisoning of German medical ethics which the Nazis brought about, laid the basis for the atrocious experiments of which the defendants are accused.

THE PRESIDENT: Will you kindly slow down your reading?

GENERAL TAYLOR: Many of these were experiments in name only; we will show them to have been senseless and clumsy and of no real value to medicine as a healing art. The Nazi medical world was flooded with preposterous and wicked notions about superior and inferior races and developed a perverted moral outlook in which cruelty to subjugated races and peoples was praiseworthy. Training in SA and SS formations was hardly calculated to develop physicians who could comprehend even the bare elements of the doctor-patient relationship. In this noxious garden of lies, the seeds of the experiments were planted. In the climate of Nazi Germany, they grow with horrible rapidity.

CRIMES OF MASS INTERMEDIATION; "EUTHANASIA" AND THE MURDER OF POLISH NATIONALS



From the preaching of Gutt and others sprang the notions which underlay the crimes to which we will now turn. Here we leave behind all

semblance, however, fictitious, of science and research. Under these teachings, life and livelihood became the birthright of no one. The weak and the physically handicapped are in the way and must be pushed aside. Inferior peoples are born to be exterminated by the Herrenvolk.

The charges in paragraphs 8 and 13 of the Indictment concern the defendants ~~Wilhelm~~ and Rudolf Brandt. The original impetus for this terrible mass murder came from a fiend named Greiser, who the German Governor of the northwest portions of Poland, which had been absorbed into the Reich under the name "Wartheland." Early in 1942, Greiser was in the process of exterminating thousands of Jews in his territory, and he decided to turn his attention next to Poles infected with tuberculosis. I call the Tribunal's special attention to the German word "Sonderbehandlung." In the next Document, as will be shown, it occurs frequently in Nazi correspondence and was used by them to mean extermination. In May 1944, Greiser wrote to Himmler as follows:



"The special treatment", and the German word is Sonderbehandlung, "of about 100,000 Jews in the territory of my district approved by you in agreement with the Chief of the Reich-Main-Security-Office, SS-Obergruppenführer HEYDRICH, can be completed within the next two to three months. I ask you for permission to rescue the district immediately after the measures are taken against the Jews, from a menace, which is increasing week by week, and to use the existing and efficient special commands for that purpose.

"There are about 230,000 people of Polish nationality in my district, who were diagnosed to suffer from tuberculosis. The number of persons infected with open tuberculosis is estimated at about 35,000. This fact has led in an increasing frightening measure to the infection of Germans, who came to the Warthegau perfectly healthy. In particular, reports are received with ever increasing effect of German children in danger of infection. A considerable number of well known leading men, especially of the police, have been infected lately and are not available for the war effort because of the necessary medical treatment. The ever increasing risks were also recognized and appreciated by the deputy of the Reich Leader for Public Health (Reichsgesundheitsführer) Comrade Professor Dr. BLUM as well as by the Leader of your X-Ray Battalion SS Standartenführer Professor Dr. HOHLFELDER.

"Though in Germany proper it is not possible to take appropriate draconic steps against this public plague, I think I could take responsibility for my suggestion to have cases of open TB exterminated among the Polish race here in the Warthegau. Of course only a Pole should be handed over to such an action, who is not only suffering from open tuberculosis, but whose incurability is proved and certified by a public health officer.

"Considering the urgency of this project I ask for your approval in principle as soon as possible. This would enable us to make the preparations with all necessary precautions now to get the action against the Poles suffering from open tuberculosis under way, while the action against the Jews is in its closing stages."

Groiser's Proposal was supported in a letter from one, Koppe, the SS and police leader in that region, to the defendant Rudolf Brandt, to which Brandt replied stating that the matter was under consideration and that the final decision would rest with Hitler. Late in June, Himmler sent a "favorable reply to Groiser cautioning him, however, that the exterminations should be carried out inconspicuously. Thereafter, consultations as to how to carry out the measure occurred between Groiser, Dr. Hohlfelder, and the defendant Blume. The views of Blume are embodied in a letter from him to Groiser written in November 1942. This letter contains an indescribably brutal analysis of the situation, in which Blume expresses agreement with the view that extermination of the tubercular Poles is the simplest and most logical solution, and expresses doubt as to its desirability only in that it would be difficult to keep such widespread slaughter secret, and that Hitler might think the program politically inexpedient if the facts should ever come out.

I quote from the letter of Defendant Blome :

" It was calculated that in 1939 there were among the Poles about 35,000 persons suffering from open tuberculosis and, besides this number, about 120,000 other consumptives in need of treatment.

" At the settlement of Germans in all parts of the Gaa an enormous danger has arisen for them. -- number of cases of infection of settled children and adults occurs daily.

" Therefore, something basic must be done soon. One must decide the most efficient way in which this can be done. There are three ways to be taken into consideration :

1. Special treatment (Sonderbehandlung) of the seriously ill persons,
2. Most rigorous isolation of the seriously ill persons,
3. Creation of a reservation for all TB-patients.

" For the plan itself, attention must be paid to different points of view of a practical, political and psychological nature. Considering it most soberly, the simplest way would be the following : aided by the X-ray battalion (Röntgen Sturmtrupp) we could reach the entire population, German and Polish, of the Gaa during the first half of 1943. As to the Germans, the treatment and isolation is to be prepared and carried out according to the regulations for Tuberculosis Relief (Tuberkulosehilfe).

" The approximately 35,000 Poles who are incurable and infectious will be 'specially treated' (sonderbehandelt). All other Polish consumptives will be subjected to an appropriate cure in order to save them for work and to avoid their causing contagion.

" According to your request I made arrangements with the offices in question, in order to start and carry out this radical procedure within half a year. You told me, that the competent office agreed with you as to this special treatment and promised support. Before we definitely start the program, I think it would be correct if you would make sure once more that the Fuehrer will really agree to such a solution.

" There can be no doubt of the intended program's being the most simple and most radical solution. If absolute secrecy could be guaranteed all scruples -- regardless of what nature -- could be overcome. But I consider simply maintaining secrecy impossible. Experience has taught us that this assumption is true. Should these sick persons, having been brought, as planned, to the old Reich supposedly to be treated or healed, and they actually never return, the relatives of these sick persons in spite of the greatest secrecy would soon have noticed ' that something was not quite right '.

" Therefore, I think it necessary to explain all these points of view to the Fuehrer before undertaking the program, as, in my opinion he is the only one able to view the entire complex and to come to a decision."

The Prosecution will introduce evidence to show that the program was in fact carried out at the end of 1942 and the beginning of 1943, and that as a result of the suggestions made by Blome and Greiser, many Poles were ruthlessly exterminated and that others were taken to isolated camps, utterly lacking in medical facilities, where thousands of them died.

Euthanasia

(Indicktrans, paragraphs 9 and 14)

On September 1, 1939, the very day of the German attack on Poland, and after a great deal of discussion between Dr. Karl Brandt, Dr. Leonardo Conti, Phillip Bouhler, the Chief of the private Chancery of the Fuehrer, and others, Hitler issued the following authority to the defendant Karl Brandt :

" Reichsleiter BOUHLER and

Dr. BRANDT, M.D.


are charged with the responsibility of enlarging the authority of certain physicians to be designated by name in such a manner that persons, who, according to human judgment, are incurable, can, upon a most careful diagnosis of their condition of sickness, be accorded a mercy death.

signed
ADOLF HITLER "



After the receipt of this order, an organization was set up to execute this program. Karl Brandt headed the medical section and Phillip Bouhler the administrative section. The defendant Hoven, as Chief Surgeon of the Buchenwald Concentration Camp, took part in the program and personally ordered the transfer of at least 300 to 400 Jewish inmates of different nationalities, mostly non-German, to their death in the euthanasia station at Bernburg. The defendants Brack and Blome participated in their capacities as assistants to Bouhler and Conti.

Questionnaires were forwarded to the Ministry of Interior from the various institutes and were then submitted to Karl Brandt and his staff for an expert opinion in order to determine the status of each patient. Then each of those experts indicated his opinion as to the eventual disposition of the patient; that is, whether or not the patient should be transferred to a killing station. The questionnaires were supposedly returned to the Ministry of the Interior, which, in turn, sent lists of the doomed patients to the different insane asylums, ordering the directors of the asylums to hand over the patients to a thing called the General Transport Corporation for transfer to the particular stations where the killings took place. This Transport Corporation was not a real organization, but one of the code names used to disguise the true nature of the activities. The patients were then transferred to the station where they were immediately killed. This entire procedure took place without the consent of the relatives, but the relatives did receive a death certificate on which the cause of the death was falsified.



The euthanasia program was an open secret in top Nazi circles. However, every possible effort had been made to keep it

from the public in order to avoid intervention by the churches. In spite of all these precautions, it became commonly known in Germany as early as the summer of 1940 that these killings were going on and church authorities, as well as various legal officials, tried in vain to stop the killings.

Typical of the letters reaching the Minister of Justice and the Minister of Interior is the following:

Addressed to "The Reich Minister of Justice:

" I have a schizophrenic son in Wurttembergian mental institution. I am shocked about the following absolutely reliable information.



"Since some weeks insane persons are being taken from the institutions allegedly on the grounds of military evacuation. The directors of the institutions are enjoined to absolute secrecy. Shortly afterwards the relatives are informed that the sick person has died of encephalitis. The ashes are available if so desired. This is plain murder just as in the concentration camps. This measure uniformly emanates from the SS in Berlin. The institutions dare not inform the authorities. Inquire at once at Rottenmuenster, Schassenried, Winsertal, all in Wuertemberg. Have the lists of two months ago examined and submitted to you, check upon the inmates who are there now and ask where the missing persons went to. For seven years now this gang of murderers defiled the German name. If my son is murdered, woe! I shall take care that these crimes will be published in all foreign newspapers. The SS may deny it as they always do. I shall demand prosecution by the public prosecutor.

"I can not give my name nor the institution where my son is, otherwise I, too, won't live much longer.

Hell Hitler
Oberregierungsrat H."

If this program had stayed within the bounds set forth in Hitler's letter to Karl Brandt, it would have been bad enough. We may pass over as quite irrelevant any such question as whether mercy killings may not in some circumstances be desirable, and whether a statute authorizing mercy killings under proper safeguards would be valid.

Such questions may be debatable, but they do not confront us here. No German law authorizing mercy killings was ever adopted. Hitler's memorandum to Brandt and Buehler was not a law, not even a Nazi law. It was not intended to be a law or regarded as such even by the top Nazi officials. That is why the program was carried out with the utmost secrecy. The program was known to be utterly illegal by those who were in charge of it; they know it was nothing but murder. This is brought out very clearly in a letter from Himmler to the defendant Brack in December 1940:

"Dear Brack:

"I hear there is great excitement on the Alb because of the institution Grafeneck.

"The population recognizes the gray automobile of the SS and think they know what is going on at the constantly smoking crematory. What happens there is a secret and yet is no longer one. I have the worst feeling has arisen there and in my opinion there remains only one thing, to discontinue the use of the institution in this place and in any event disseminate information in a clever and sensible manner by showing motion pictures on the subject of inherited and mental diseases in that locality.

"May I ask for a report as to how the difficult problem was solved."

But there are more fundamental matters here. The program did not stay even within the bounds of the secret Hitler authority.

5



stated his opinion that the whole Jew-action should be completed as quickly as possible so that one would not get caught in the middle -- of it one day if some difficulties should make a stoppage of the action necessary. You yourself, Reichsfuehrer, have already expressed your view, that work should progress quickly for reasons of camouflage alone."

Protesting the lawless slaughter which even Himmler sought to "camouflage", the Bishop of Limburg in 1941 foresaw that such insane carnage spelled the downfall of the Third Reich. He wrote:

"And if anybody says that Germany cannot win the war, if there is yet a just God, these expressions are not the result of lack of love for the Fatherland but of a deep concern for our people. High authority as a moral concept has suffered a severe shock as a result of these happenings."

I have outlined the particular charges against the defendants under Counts Two, Three, and Four of the Indictment, and I have sketched the general nature of the evidence which we will present. But we must not overlook that the medical experiments were not an assortment of unrelated crimes. On the contrary, they constituted a well-integrated criminal program in which the defendants planned and collaborated among themselves and with others.

We have here, in other words, a conspiracy and a common design, as is charged in Count One of the Indictment, to commit the criminal experiments set forth in paragraphs 6 and 11 thereof. There was a common design to discover, or improve, various medical techniques. There was a common design to utilize for this purpose the unusual resources which the defendants had at their disposal, consisting of numberless unfortunate victims of Nazi conquest and Nazi ideology. The defendants conspired and agreed together to utilize these human resources for nefarious and murderous purposes, and proceeded to put their criminal design into execution. Anchored among the countless victims of the conspiracy and the crimes are Germans, and nationals of countries overrun by Germany, and Gypsies, and prisoners-of-war and Jews of many nationalities. All the elements of a conspiracy to commit the crimes charged in paragraphs 6 and 11 are present and all will be clearly established by the proof.

There were many co-conspirators who are not in the dock. Among the planners and leaders of this plot were Conti and Grawitz, and Hippke whose whereabouts is unknown. Among the actual executioners, Dr. Ding is dead and Rascher is thought to be dead. There were many others.

Final judgment as to the relative degrees of guilt among those in the dock must await the presentation of the proof in detail. Nevertheless, before the introduction of evidence, it will be helpful to look again at the defendants and their part in the conspiracy. What manner of men are they, and what was their major role?

The twenty physicians in the dock range from leaders of German scientific medicine, with excellent international reputations, down to the drags of the German medical profession. All of them have in common a callous lack of consideration and human regard for, and an unprincipled willingness to abuse their power over, the poor, unfortunate, defenseless creatures who had been deprived of their rights by a ruthless and criminal government. All of them violated the Hippocratic commandments which they had solemnly sworn to uphold and abide by, including the fundamental principle never to do harm -- "primum non nocere."

Outstanding men of science, distinguished for their scientific ability in Germany and abroad, are the defendants Rostock and Rose. Both exemplify, in their training and practice alike, the highest traditions of German medicine. Rostock headed the Department of Surgery at the University of



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Berlin and served as dean of its medical school. Rose studied under the famous surgeon, Enderlen, at Heidelberg and then became a distinguished specialist in the fields of public health and tropical diseases.

Krieger and Schroeder are outstanding medical administrators. Both of them made their careers in military medicine and reached the peak of their profession. Five more defendants are much younger men who are nevertheless already known as the possessors of considerable scientific ability, or capacity in medical administration. These include the defendants Karl Brandt, Ruff, Reigebach, Schaefer and Becker-Freyburg.

A number of the others such as Roehm and Fischer, are well-trained, and several of them attained high professional position. But among the remainder few were known as outstanding scientific men. Among them at the foot of the list is Blum who has published his autobiography entitled "Unbattled Doctor" in which he sets forth that he eventually decided to become a doctor because a medical career would enable him to become "master over life and death."

The part that each of these twenty physicians and their three lay accomplices played in the conspiracy and its execution corresponds closely to his professional interests and his place in the hierarchy of the Third Reich as shown in the chart. The motivating source for this conspiracy came from the principal source. Himmler, as head of the SS, a most terrible engine of oppression with vast resources, could provide numberless victims for the experiments. By doing so, he enhanced the prestige of his organization and was able to give free rein to the Nazi racial theories of which he was a leading protagonist and to develop new techniques for the mass exterminations which were dear to his heart. The German military leaders, as the other main driving force, caught up the opportunity which Himmler presented them with and ruthlessly capitalized on Himmler's hideous overtures in an endeavor to strengthen their military machine.

As so the infernal drama was played just as it had been conceived in the minds of the authors. Special problems which confronted the German military or civilian authorities, were, on the orders of the medical leaders, submitted for

solution in the concentration camps. Thus we find Karl Brandt stimulating the epidemic jaundice experiments, Schroeder demanding "40 health test subjects" for the seawater experiments, Huxleiser providing the impetus for Ding's fearful typhus researches, and Milch and Hippke at the root of the freezing tests. Under Himmler's authority, the medical leaders of the SS-Gravits, Gensken, Gohardt and others — set the wheels in motion. They arranged for the procurement of victims through other branches of the SS, and gave directions to their underlings in the SS medical service such as Hoven and Fischer. Himmler's administrative assistants, Sielovs and Rudolf Brandt, passed on the Himmler orders, gave a push here and a shove there, and kept the machinery oiled. Blome and Brack assisted from the side of the civilian and party authorities.

The Wehrmacht provided supervision and technical assistance for those experiments in which it was most interested. A low pressure chamber was furnished for the high altitude tests, the services of Volts, Duff, Rosenberg and Rascher for the high altitude and freezing experiments and those of Becker-Freyson, Schaefer, and Beilbeck for seawater. In the important but sinister typhus researches, the eminent Dr. Rose appeared for the Luftwaffe to give expert guidance to Ding.

The proper steps were taken to insure that the results were made available to those who needed to know. Actual meetings of the consulting physicians of the Wehrmacht held under Huxleiser's direction were favored with lectures on some of the experiments. The report on the high altitude test was sent to Field Marshal Milch, and a moving picture about them was shown at the Air Ministry in Berlin. Volts spoke on the effects of freezing at a medical conference in Nurnberg, the same symposium at which Rascher and others passed on their devilish knowledge.

There could, we submit, be no clearer proof of conspiracy. This was the medical service of the Third Reich at work. Among the defendants in the box sit the surviving leaders of that service. We will ask the Tribunal to

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determine that neither scientific eminence nor superficial respectability shall shield them against the fearful consequences of the orders they gave.

I intend to pass very briefly over matters of medical ethics, such as the conditions under which a physician lawfully performs a medical experiment upon a person who has voluntarily subjected himself to it, or whether experiments may lawfully be performed upon criminals who have been condemned to death. This case does not present such problems. No refined questions confront us here.



None of the victims of the atrocities perpetrated by these defendants were volunteers, and this is true regardless of what these unfortunate people may have said or signed before their tortures began. Most of the victims had not been condemned to death, and those who had been were criminals, unless it be a crime to be a Jew, or a Pole, or a Gypsy, or a Russian prisoner of-war.

Whatever book or treatise on medical ethics we may examine, and whatever expert on forensic medicine we may we may question, will say that that it is a fundamental and inescapable obligation of every physician under any known system of law not to perform a dangerous experiment without the subject's consent. In the tyranny that was Nazi Germany, no one could give such a consent to the medical agent of the State, everyone lived in fear acted under duress. I fervently hope that none of us here in the court room will have to suffer in silence while it is said on the part of these defendants that the wretched and helpless people whom they froze and drowned and burned and poisoned were volunteers. If such a shameless lie is spoken here, we need only remember the four girls who were taken from the Ravensbrueck concentration camp and made to lie naked with the frozen and all but dead Jews who survived Dr. Rascher's tank of ice water. One of these women, whose hair and eyes and figure were pleasing to Dr. Rascher, when asked by him why she had volunteered for such a task, replied: "rather half a year in a brothel than a half a year in a concentration camp."

Were it necessary, one could make a long list of the research of the respects in which the experiments which these defendants performed departed from every known standard of medical ethics. But the gulf between these atrocities and serious research in the healing art is so patent that such a tabulation would be cynical.

We need look no farther than the law which the Nazis themselves passed on the 24th of November 1933 for the protection of animals. This law states explicitly that it is designed to prevent cruelty and indifference of man toward animals and to awaken and

develop sympathy and understanding for animals as one of the highest moral values of a people. The soul of the German people should abhor the principle of mere utility without consideration of the moral aspects. The law states further that all operations or treatments which are associated with pain or injury, especially experiments involving the use of cold, heat, or infections, are prohibited, and can be permitted only under special exceptional circumstances. Special written authorization by the head of the department is necessary in every case, and experiments are prohibited from performing experiments according to their own free judgment. Experiments for the purpose of teaching must be reduced to a minimum. Medical tests, vaccinations, withdrawal of blood for diagnostic purposes and trial of vaccines prepared according to well-established scientific principles are permitted, but the animals have to be killed immediately and painlessly after such experiments. Individual physicians are not permitted to use dogs to increase their surgical skill by such practices. National Socialism regards it as a sacred duty of German science to keep down a number of painful animal experiments to a minimum.

If the principles announced in this law had been followed for human beings as well, this indictment would never have been filed. It is perhaps the deepest shame of the defendants that it probably never even occurred to them that human beings should be treated with at least equal humanity.

This case is one of the simplest and clearest of those that will be tried in this building. It is also one of the most important. It is true that the defendants in the box were not among the highest leaders of the Third Reich. They are not the war lords who assembled and drove the German military machine, nor the industrial barons who made the parts, nor the Nazi politicians who debased and brutalized the minds of the German people. But this case, perhaps more than any other we will try, epitomizes Nazi thought and the Nazi way of life, because these defendants pursue the savage premises of Nazi thought as far.

The things that these defendants did, like so many other things that happened under the Third Reich, were the result of the noxious merger of German militarism and Nazi racial objectives. We will see the results of this merger in many other fields of German life; we see it here in the field of medicine.

Germany surrendered herself to this foul conjunction of evil forces. The nation fell victim to the Nazi scourge because its leaders lacked the wisdom to foresee the consequences and the courage to stand firm in the face of threats. Their failure was the inevitable outcome of that sinister undercurrent of German philosophy which preaches the supreme importance of the state and the complete subordination of the individual. A nation in which the individual means nothing will find few leaders courageous and able enough to serve its best interests.

Individual Germans did indeed give warning of what was in store, and German doctors and scientists were numbered among the courageous few. At a meeting of Bavarian psychiatrists held in Munich in 1931, when the poisonous doctrines of the Nazis were already sweeping Germany, there was a discussion of mercy killings and sterilization, and the Nazi views on these matters, with which we are now familiar, were advanced. A German professor named Oswald Ewald rose and made a reply more eloquent and prophetic than anyone could have possibly realized at the time. He said:

"I should like to make two additional remarks. One of these is, please for God's sake leave our present financial needs out of all these considerations. This is a problem which concerns the entire future of our people, indeed, one may say without being over-emotional about it, the entire future of humanity. One should approach this problem neither from the point of view of our present scientific opinion nor from the point of view of the still more ephemeral economic crisis. If by sterilization we can prevent the occurrence of mental disease then we should certainly do it, not in order to save money for the government but because every case of mental disease means infinite suffering to the patient

and to his relatives. But to introduce economic points of view is not only inappropriate but outright dangerous because the logical consequence of the thought that for financial reasons all these human beings who could be dispensed with for the moment should be exterminated, is a quite monstrous logical conclusion: we would then have to put to death not only the mentally sick and the psychopathic personalities but all the crippled including the disabled veterans, all old maids who do not work, all widows whose children have completed their education, and all those who live on their income or draw pensions. That would certainly save a lot of money but the probability is that we will not do it.



"The second point of advice is to use utmost restraint, at least until the political atmosphere here in this country shall have improved, and scientific theories concerning hereditary and race can no longer be abused for political purposes. Because, if the discussion about sterilization is carried into the arena of political contest, then pretty soon we will no longer hear about the mentally sick but, instead, about Aryans and non-Aryans, about the blonde Germanic race and about inferior people with round skulls. That anything useful could come from that is certainly improbable; but science in general and genealogy and eugenics in particular would suffer an injury which could not easily be repaired again."

I said at the outset of this statement that the Third Reich died of its own poison. This case is a striking demonstration not only of the tremendous degradation of German medical ethics which Nazi doctrine brought about, but of the undermining of the medical art thwarting of the techniques which the defendants sought to employ. The Nazis have, to a certain extent, succeeded in convincing the peoples of the world that the Nazi system, although ruthless, was absolutely efficient; that although savage, it was completely scientific; that although entirely devoid of humanity, it was highly systematic — that "it got things done." The evidence which this Tribunal will hear will explode this myth. The Nazi methods of investigation were inefficient and unscientific, and their techniques of research were unsystematic.

These experiments revealed nothing which civilized medicine can use. It was, indeed, ascertained that phenol or gasoline injected intravenously will kill a man inexpensively and within sixty seconds. This and a few other "advances" are all in the field of "thanatology." There is no doubt that a number of these new methods may be useful to criminals everywhere and there is no doubt that they may be useful to a criminal state. Certain advance in destructive methodology we cannot deny, and indeed from Himmler's standpoint this may well have been the principal objective.

Apart from these deadly fruits, the experiments were not only criminal but a scientific failure. It is indeed as if a just deity had shrouded the solutions which they attempted to reach with murderous means. The moral shortcomings of the defendants and the precipitous case with which they decided to commit murder

in quest of "scientific results", dulled also that scientific hesitancy, that thorough thinking-through, that responsible weighing of every single step which alone can insure scientifically valid results. Even if they had merely been forced to pay as little as two dollars for human experimental subjects, such as American investigators may have to pay for a cat, they might have thought twice before wasting unnecessary numbers, and thought of simpler and better ways to solve their problems. The fact that these investigators had free and unrestricted access to human beings to be experimented upon misled them to the dangerous and fallacious conclusion that the results would thus be better and more quickly obtainable than if they had gone through the labor of preparation, thinking, and meticulous pre-investigation.

A particularly striking example is the seawater experiment. I believe that three of the accused — Schaefer, Becker-Freysong, and Beiglbueck — will today admit that this problem could have been solved simply and definitively within the space of one afternoon. On May 20, 1944, when these accused convened to discuss the problem, a thinking chemist could have solved it right in the presence of the assembly within the space of a few hours by the use of nothing more gruesome than a piece of jelly, a semipermeable membrane and a salt solution, and the German Armed Forces would have had the answer on May 21, 1944. But what happened instead? The vast armies of the disenfranchised slaves were at the beck and call of this sinister assembly; and instead of thinking, they simply relied on their power over human beings rendered rightless by a criminal state and government. What time, effort, and staff did it take to get that machinery in motion? Letters had to be written, physicians, of whom dire shortage existed in the German Armed Forces whose soldiers went poorly attended, had to be taken out of hospital positions and dispatched hundreds of miles away to obtain the answer which should have been known in a few hours, but which.

thus did not become available to the German Armed Forces until after the completion of the gruesome show, and until 42 people had been subjected to the tortures of the damned, the very tortures which Greek mythology had reserved for Tantalus.

In short, this conspiracy was a ghastly failure as well as a hideous crime. The creeping paralysis of Nazi superstition spread through the German medical profession and, just as it destroyed character and morals, it dulled the mind.

Guilt for the oppressions and crimes of the Third Reich is widespread, but it is the guilt of the leaders that is deepest and most culpable. Who could German medicine look to to keep the profession true to its traditions and protect it from the ravaging inroads of Nazi pseudo-science? This was the supreme responsibility of the leaders of German medicine—men like Rostock and Rose and



Schroeder and Handloser. That is why their guilt is greater than that of any of the other defendants in the dock. They are the men who utterly failed their country and their profession; who showed neither courage nor wisdom nor the vestiges of moral character. It is their failure, together with the failure of the leaders of Germany in other walks of life, that debauched Germany and led to her defeat. It is because of them and other like them that we all live in a stricken world.

JUDGE KEELS: The Prosecution has now consumed all of the time allocated it for its opening statement. Is the Prosecution prepared to proceed with the introduction of any evidence this afternoon?

GENERAL TAYLOR: Your Honor, the document book for Mr. McNamoy's first part of the evidence was not ready until yesterday, which was a Sunday, and if agreeable to the Tribunal, it would be more convenient for us, and I think for the defendants, to resume tomorrow morning when we have had more time to look at it.

JUDGE KEELS: The Tribunal will recess until 9:30 o'clock tomorrow morning.

(The Tribunal adjourned until 10 December 1946, at 9:30 hours)



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CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 10 December 1946, 0930-1430, Justice Seals, presiding.

THE MARSHAL: The honorable judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal. There will be order in the court-room.

THE PRESIDENT: Will the Marshal ascertain if the defendants are all present.

THE MARSHAL: May it please your Honor, all defendants are present in the courtroom.

THE PRESIDENT: Secretary-General, will you note for the record the presence of the defendants in the courtroom.

The prosecution may proceed.

MR. MCLEARY: May it please the Tribunal:

Before any evidence is presented it is my purpose to show the process whereby documents have been procured and processed in order to be presented in evidence by the United States. I shall also describe and illustrate the plan of presenting documents to be followed by the prosecution in this case.

When the United States Army entered German territory it has specialized military personnel whose duties were to capture and preserve enemy documents, records, and archives.

Such documents were assembled in temporary document centers. Later each Army established fixed document centers in the U.S. ZONE of Occupation where there documents were assembled and the slow process of indexing and cataloging was begun. Certain of these documents

centers in the U.S. Zone of Occupation have since been closed and the documents assembled there sent to document centers.

When the International Military Tribunal was set up, field teams under the direction of Major William H. Coogan were organized and sent out to the various document centers. Great masses of German documents and records were screened and examined. Those selected were sent to Nurnberg to be processed.



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These original documents were then given trial identification numbers in one of five series designated by the letters: "PS", "L", "R", "C", and "BC", indicating the means of acquisition of the documents. Within each series, documents were listed numerically.

The prosecution in this case shall have occasion to introduce in evidence documents processed under the direction of Major Coogan. Some of these documents were introduced in evidence before the IMT and some were not. As to those which were, this Tribunal is required by Article IX of Ordinance No. 7 to take judicial notice thereof. However, in order to simplify the procedure, we will introduce photostatic copies of documents used in Case No. 1 before the IMT to which will be attached a certificate by Mr. Fred Niebergall, the Chief of our Document Control Branch, certifying that such document was introduced in evidence before the IMT and that is a true and correct copy thereof. Such documents have been and will be made available to defendants just as in the case of any other document.

As to these documents processed under the direction of Major Coogan which were not used in the case before the IMT, they are authenticated by the affidavit of Major Coogan dated 19 November 1945. This affidavit served as the basis of authentication of substantially all documents used by the Office of Chief of Counsel before the IMT. It was introduced in that trial as U.S.A. Exhibit 1. Since we will use certain documents processed for the IMT trial, I would not like to introduce as Prosecution Exhibit 1 the Coogan affidavit, in order to authenticate such documents. This affidavit explains the manner in and means by which captured German documents were processed for use in war

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crimes trials. I shall not burden the court with reading it as it is substantially the same as the affidavit of Mr. Niebergall to which I shall come in a moment.

I have thus far explained the manner of authenticating documents to be used in this case which were processed under the direction of Major Coogan. I now come to the authentication of documents processed not for the I.T trial, but for subsequent trials such as this one. These documents are authenticated



by the affidavit of Mr. Niebergall which I offer in evidence as Prosecution Exhibit 2. Since this affidavit explains the procedure of processing documents by the office of Chief of Counsel for war crimes, I shall read it in full:

"I, FRED NIEBERGALL, A.G.O. D-150336, of the Office of Chief of Counsel for War Crimes, do hereby certify as follows:

1. I was appointed Chief of the Document Control Branch, Evidence Division, Office of Chief of Counsel for War Crimes (hereinafter referred to as "OCC") on 2 October 1946.

2. I have served in the U.S. Army for more than 6 years, being discharged as a 1st Lieutenant, Infantry, on 29 October 1946. I am now a reserve officer with the rank of 1st Lieutenant, in the Army of the U.S. of America. Based upon my experience as a U.S. Army Officer, I am familiar with the operation of the U.S. Army in connection with seizing and processing captured enemy documents. I served as Chief of Translations for OCC from 29 July 1946 until December 1946, when I was appointed liaison officer between Defense Counsel and Translation Division of OCC as assistant to the executive officer of the Translation Division. In my capacity as Chief of the Document Control Branch, Evidence Division, OCC, I am familiar with the processing, filing, translation, and photostating of documentary evidence for the United States Chief of Counsel.

3. As the Army overran German occupied territory and then Germany itself certain specialized personnel seized enemy documents, records and archives. Such documents were assembled in temporary centers. Later fixed document centers were established in Germany and Austria where these documents were assembled and the slow process of indexing and cataloging was begun. Certain of these documents

centers have since been closed and the documents assembled there sent to other document centers.

4. In preparing the trial before the International Military Tribunal (hereinafter referred to as "IMT") a great number of original documents, photostats, and microfilms were collected at Nurnberg, Germany. Major Gogan's affidavit of 19 November 1945 describes the procedures followed. Upon my



appointment as Chief of the Document Control Branch, Evidence Division, GOC, I received custody, in the course of official business, of all these documents except the ones which were later placed into evidence in the IAT trial and are now in the IAT Document Room in Nurnberg. Some have been screened, processed, and registered in accordance with Major Joegen's Affidavit. The unregistered documents remaining have been screened, processed, and registered for use in trials before Military Tribunals substantially in the same way as described below.

5. In preparing for trials subsequent to the IAT trial personnel thoroughly conversant with the German language were given the task of searching for and selecting captured enemy documents which disclosed information relating to the prosecution of Axis war criminals. Lowyers and Research analysts were placed on duty at various document centers and also dispatched on individual missions to obtain original documents or certified photostats thereof. The documents were screened by German speaking analysts to determine whether or not they might be valuable as evidence. Photostatic copies were then made of the original documents and the original documents returned to the files in the document centers. These photostatic copies were certified by the analysts to be true and correct copies of the original documents. German speaking analysts either at the document center or in Nurnberg, then prepared a summary of the document with appropriate references to personalities involved, index headings, information as to the source of the document, and the importance of the documents to a particular division of GOC.

6. Next, the original document or certified photostatic copy was forwarded to the Document Control Branch, Evidence

Division, OCC. Upon receipt of these documents, they were duly recorded and indexed and given identification numbers in one of six series designated by the letters: "NC", "NI", "NM", "NOKW", "NG", and "NP", indicating the particular Division of OCC which might be most interested in the individual documents. Within each series documents were listed numerically.

7. In the case of the receipt of original documents, photostatic copies were made. Upon return from the Photostat Room the original documents were



placed in envelopes in fireproof safes in the Document Room. In the case of the receipt of certified photostatic copies of documents, the certified photostatic copies were treated in the same manner as original documents.

2. All original documents or certified photostatic copies treated as originals are now located in safes in the Document Room, where they will be secured until they are presented by the Prosecution to a court during the progress of a trial.

3. Therefore, I certify in my official capacity, as herein above states, that all documentary evidence relied upon by OGC is in the same condition as when captured by Military Forces under the command of the Supreme Commander, Allied Expeditionary Forces; that they have been translated by competent qualified translators; that all photostatic copies are true and correct copies of the originals, and that they have been correctly filed, numbered, and processed as above outlined.

Signed: FRED NEIBERGALL.



The Niebergall affidavit is in substance the same as the Cogan Affidavit which was accepted by the International Military Tribunal as sufficient authentication of documents used in Case NO. 1. However, in addition to these affidavits the prosecution in this case will attach to each document submitted in evidence, other than self-proving documents such as affidavits signed by the defendants, a certificate signed by an employee of the Evidence Division of the Office of Chief of Counsel for War Crimes, reading, for example, as follows:

"I, Donald Spencer, of the Evidence Division of the Office of the Chief of Counsel for War Crimes, hereby certify that the attached document, consisting of one photostated page and entitled, 'Letter from John Doe to Richard Roe, dated 19 June 1943' is the original of a document which was delivered to me in my above capacity, in the usual course of official business, as a true copy of a document found in German archives, records and files captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces.

To the best of my knowledge, information and belief, the original document is at the Berlin Document Center".

So much for the authentication of documents to be presented in this trial. I turn now briefly to the distribution of documents which we will use. The prosecution made available to the Defendants' Information Center approximately a week ago three photostatic copies of the great bulk of the documents which will be used in our case-in-chief. These documents are of course in German. In addition, the prosecution has prepared document books in both German and English which contain, for the most part, mimeographed copies of the documents, arranged substantially in the order

in which they will be presented in this court. Each document book contains an index giving the document number, description, and page number. A space is also provided for writing in the index number.

Twelve official copies of the German document books will be filed in the Defendant's Information Center at least 30 hours prior to the time that particular material will be introduced in court. In addition, defense counsel



will receive seven so-called unofficial German document books which will contain mimeograph copies prepared primarily for the German Press. Five official copies of the German document books will be presented to the tribunal -- that part should read 6, your Honor -- one for each of the Justices on the bench and one for the Secretary General. Two of each document book will contain photostatic copies in order that the Tribunal may from time to time refer to the original. Document books will also be made available to the German interpreters and court reporters.

The English document books will contain certified translations of the documents in the German document books. The documents will be numbered and indexed identically in both the English and German versions. The Defendants' Information Center will receive four copies of the English document books at the same time the corresponding German document book is delivered. A representative group of the defense attorneys have agreed that four of the English document books is sufficient to meet their needs.

The Tribunal will receive six English document books and sufficient copies will also be made available to the interpreters and court reporters. Copies of all documents introduced in evidence will thereafter be made available to the Press.

The prosecution will sometimes have occasion to use documents which have just been discovered and are not in document books. In such cases we will try to have copies in the Defendants' Information Center a reasonable time in advance of their use in court. Now, I must point out to your Honors, and I do so without any embarrassment, that there will surely be some instances during the course of the trial when the prosecution fails to comply with one or the

other of the court's rulings in view of the fact that few of our personnel were here to obtain experience and training in the technicalities in the course of Case No. 1 before the International Military Tribunal, but be that as it may, we shall constantly endeavor to present our case as fairly, as clearly and as expeditiously as is humanly possible.

The prosecution, when presenting a document in court, will physically hand the original, or certified photostatic copy serving as the original,



to the clerk of the Tribunal, and give the document a Prosecution Exhibit number.

In the IMT trial, the usual practice, to which there were many exceptions, was that only those documents or portions of documents which had been read aloud in court were considered to be in evidence and part of the record. Now this was due to the fact that the IMT trial was conducted in four (4) languages and only through that method were translations in all four (4) languages ordinarily available. However, the IMT Tribunal ruled several times, for example on 17 December 1946, in the original English document at pages 1554 and 1555 that documents which had been translated into all four languages and made available to defense counsel in the Defendants' Information Center were admissible in evidence without being read in full.

The prosecution believed that, under the circumstances of this trial, which will be conducted in German and English only, and with all the prosecution's documents translated into German, it will be both expeditious and fair to dispense with the reading in full of all documents or portions of documents. The prosecution will read some documents in full, particularly in the early stages of the trial, but will endeavor to expedite matters by summarizing documents when possible, or otherwise calling the



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attention of the Tribunal to such passages therein as are deemed important and relevant.

With respect to the order of trial, the prosecution intends to follow, to a large degree, the order in which the various experiments are set forth in the Indictment. There will be some exceptions to that, for instance, we will present the Sea Water Experiments, the proof of Sea Water Experiments following the Malaria Experiments, which will be third in order, and in time we will move to the proof of reading the Lost Gas Experiments because of the overlapping of the testimony of certain witnesses. In so far as possible, we will endeavor to present all of the evidence relating to a particular experiment at the same time. This will be impossible, of course, where the testimony of a witness overlaps several experiments.

Before proceeding to the introduction of evidence on the substantive crimes charged in the Indictment, the prosecution would like to admit proof on the positions held by the defendants. For this purpose we have secured affidavits from the defendants giving their personal histories. During the course of the presentation of these affidavits, there will be occasion to discuss the organizations within which certain of the defendants were active, such as the medical service of the Armed Forces, the Luftwaffe, or the SS. In order that the Tribunal may more easily comprehend these rather complicated organizations we have had charts prepared and signed by certain of the defendants who held an important office within the particular organization. These charts have been enlarged for use in the court room and with the Tribunal's permission they will be placed at the appropriate time on the screen behind the witness box. One of them is now there. The court room charts are reproductions of the charts which

will be submitted in evidence, except that they do not show the certification by the defendants or any notes which may be on the original. This matter is, of course, included in translations, which your Honor, has been received. Mr Horlick Hockwald, one of our associate prosecutors, will assist in the presentation by using a pointer to indicate the particular part of the chart under discussion. I shall discuss together those of the defendants who were active in the same organization and the chart of that



organization will then be before the Tribunal.

I would first like to take up the defendants Karl Brandt and Restock who worked together in the Office of the Reich Commissioner for Health and Medical Services. I offer Document No. 155, as Prosecution Exhibit 3, which is the chart of organization of the Office of the Reich Commissioner and he has drawn this chart for us.

THE PRESIDENT: Has the Prosecution offered in evidence the two documents which he refers to as Coogan and Niebergall?

MR. McMANEY: Yes, sir; the Coogan affidavit went in as Prosecution's Exhibit 1, which authenticates all documents.

THE PRESIDENT: Do I understand it has been formally offered in evidence?

MR. McMANEY: Yes, sir; the procedure is that I will give the particular evidence an identification number such as the one I just called out, which is document number No. 6-5. That is the identification number which was given this document in the Document Control Branch. I then call off this as Prosecution's Exhibit such-and-such.

THE PRESIDENT: I understood you to refer to them by identification numbers but I did not remember that they had been formally offered in evidence.

MR. McMANEY: Yes, sir, we certainly intended to do that, both the Coogan affidavit and the Niebergall affidavit.

THE PRESIDENT: I assume, as in any court, they must be admitted by the court in evidence. They have been offered but not admitted, is that correct?

MR. McMANEY: That is very correct, your honor. However, the procedure has normally been that in offering

them, unless there is no objection raised at that time they will be considered to be admitted. In other words, at least, before the International Military Tribunal, the Tribunal did not make a formal ruling on the admissibility of each document as it went in.

THE PRESIDENT. That is a new procedure to me.

MR. McHANEY. Sir, that is a new procedure as far as I am concerned but it was so during the last time. In the Prosecution's identification, if any defendant has any objection to the admission of documents in evidence, that



the objection may be stated at that time. If no defendant registers any objection to the admission of a document in evidence it will be assumed that there is no objection.

DR. LEBVATHUS. Mr. President, in the trial before the International Military Tribunal such a procedure was used as the representative of the prosecution has been saying. It has led to some difficulties because nobody knew when an objection should be raised to a document such as No-645, which has now been presented as Exhibit 3. I have no objections to raise against it now, but I do not know when I should raise them.

THE PRESIDENT. We will first dispose of Exhibits 1 and 2, Coogan and Niebergall affidavits, which have not yet been admitted in evidence. Is there any objection on any part of the defendants to admitting in evidence Exhibits 1 and 2?

(No objection raised)

THE PRESIDENT. If there is no objection, Exhibit 1 and 2 will be received in evidence. Now, you are offering Exhibit 3?

MR. McANBY. Yes, Your Honor. And, to say a few words on this point for the Prosecution -- The Prosecution will have no objection whatsoever to any Defense Counsel coming in at any time and objecting to the admissibility of any document which we will here present. In other words, I am not inclined to take the position that any Defense Counsel reserves his right to object to any of our documents simply because he does not do so at the time it is offered.

THE PRESIDENT. I understand that, but it might be much easier for the Tribunal if the objections were argued at the time the documents were offered rather than go back an hour or two hours and pick out some document which has

been passed.

MR. MANNEY. Yes, sir, I understand, Your Honor. I think, however, we will find that relatively few objections will be raised, certainly as to the authenticity of the documents, which in my opinion, is the substantial point. Any other objection would run to the materiality of the documents as against a particular defendant.

THE PRESIDENT. The objections are, of course, equally important as to



the authenticity?

MR. MC RAEY: Yes, indeed; as to that, Your Honor, I think we will have to proceed and learn from experience.

JUDGE SERVINO: When you are about to offer an exhibit in evidence, you indicate as much to the counsel for the defendants?

MR. MC RAEY: Yes, of course, which, at that time, will be the signal for them to interpose such objections they may have, if any.

THE PRESIDENT: Then the court may rule on that, and I think we will have a more orderly record.

MR. MC RAEY: Very well, Your Honor.

We have offered without objection from the defense counsel Document NC-645 as Prosecution's Exhibit 2, which is the chart of the organization of the Office of the Official Commission for the Health and Medical Services.

DR. SERVINO: Mr. President, I must raise an objection against the presentation of this document, at least to the extent that it is only a limited admissibility. This chart has been sworn to only to a limited extent by the defendant Earl Brandt. He has crossed out that this was a table of organization, and he has stated on the plan that it only shows the working procedure; that is, it describes which of the offices the connection was maintained. For example, it is obviously incorrect as an organization chart because it does not show any Chief of Civilian System of Health, Doctor Conti, and such an individual does not exist; that the subordination of the Chief of the Medical Services, Handloser, subordination of the Reich Services below Handloser had not existed either. This plan is composed of two other plans, and the statement of the defendant Earl Brandt, the only reference to the fact that it is a composition, and his affidavit states:

"I, Professor Earl Brandt, having been duly sworn, herewith state that I was General Commissioner and Reich Commissioner for the Medical and Health Service."

Otherwise no other statement has been given. I, therefore, would like to avoid the impression, as this plan shows, the subordination, and

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thereby would show the supervisory duties which the defendant Karl Brandt
would have under the circumstances. This is my statement.



MR. MC HANEY: If Your Honors please, if I may answer Dr. Servatius' objection at this time before the next gentleman speaks, I think that his remarks run more to the meaning or interpretation to be given this charge, rather than to its admissibility. At the time of his objection we had not yet proceeded to explain how we interpret this chart and what it means, but as to its admissibility it was drawn and signed by the defendant Karl Brandt upon a translation which is now before the Tribunal. As I stated, they did not appear upon the large courtroom chart because there is not sufficient room, and we did not consider it desirable to put them on the large courtroom charts which are not in evidence themselves. They are simply being used to make the presentation a bit more clear.

MR. HANS FRIBILLA: Attorney Fribilla for Professor Rostock. I also have to object against that chart. To a large extent it is a correct picture, but it only covers a limited period of time. I believe such charts are very dangerous. They make a certain suggestion and it is believed that things have been that way during the whole time about which the whole trial centers for the time being. This chart can be acknowledged if at the same time besides these names the date could be shown. Yesterday the prosecution said that Professor Rostock was a serious and competent scientist, the head of the University Clinic at Berlin.

Professor Rostock did maintain that position until the end of the war. First he was in charge of a very important and large surgical clinic. From this chart it appears as if the defendant had only been a collaborator of Karl Brandt. In addition to this the indictment deals with his crimes which cover a period of time from 1939 until 1945. My objection is this chart can only be at the same time. Next to it we can see before our eyes that the defendant Rostock, for



example, during the whole time was head of one of the largest clinics in Germany, and at the same time, though, that only since February, 1944, he has entered this office of Professor Brandt.

THE PRESIDENT: Speak more slowly.

DR. PRIBILLA: There is not very much for me to add. I only would like to ask the Tribunal to consider that and besides this picture to know that Rostock was only a collaborator since 1944. In 1944 the war had already progressed to such a stage in Germany that no uniform order existed any more, and that it can be very well imagined that not everything that happened in other offices came at all to the knowledge of this office.

MR. MC HANEY: If Your Honor please, I am objecting to this admissibility.

THE PRESIDENT: The objection to the admissibility of this exhibit will be overruled. It will be admitted in evidence. If at any time in the future defendants desire to, they are not bound by this statement in the exhibit as the exhibit for the prosecution, and they may make any showing they like, either by cross examination or when their case is opened. Proceed.

MR. MC HANEY: The next remark that I was about to make before these objections were raised was that this chart shows the organization as it existed in the latter part of 1943. It does not purport to show the organization as it existed prior to that time. Office of the Reich Commissioner for Health and Medical Services developed as a gradual thing, and it did not start out in 1942 as shown by this chart. These things will be made perfectly clear during the course of our presentation. This chart is relatively simple. In the center, occupying the key position, is the defendant Earl Brandt. To the left is the defendant Handloser, Chief of the Medical Services of the Wehrmacht. To the

right is Conti, Reich Health Leader and Chief of the Civilian Medical Services, who, as General Taylor told you yesterday, committed suicide in the Muerenberg jail last year. Above is the defendant Rostock, Chief of the Office for Medical Science and Research. And below is Admiral Fikentscher, Chief of the Office for Planning and Production.

It was the power and responsibility of the defendant Karl Brandt to coordinate and direct through these subordinates the activities of the entire Health and Medical Services of the German Reich. He was the Fuehrer of the German medical world. It should be made clear that we do not take the position that the Chief of the Medical Services of the Wehrmacht, under Handloser, and the Office of the Reich Health Leader, under Conti, were subordinate to Brandt for all purposes. As Karl Brandt says in his explanatory note on the chart which is before Your Honors, the Office for Medical Science and Research, under Rostock, and the Office for Medical Planning and Economy, under Fikentscher, were personally responsible to him.

We do take the position, however, that Handloser and Conti were subordinates to Karl Brandt insofar as medical and scientific research is concerned, and I think that the decrees which I will introduce in a moment will make that amply clear.

Before discussing the chart in any more detail, I should like to introduce and read the affidavit of Karl Brandt. This is Document NO-475 and is offered as Prosecution Exhibit 4. This is on page 5 of the English document book before the Court.

"I, Dr. Karl Franz Friedrich Brandt, being duly sworn, depose and state:

"1. I was born on 8 January 1904 at Muehlhausen/Alsace,



Germany. I studied medicine at Jena, Freiburg, Munich, and Berlin, and passed my state examination in Freiburg in 1928. Thereafter, I became an assistant at the Bergmannsheil Hospital in Bochum, later at the Surgical Clinic of the University of Berlin.

"2. I became a member of the National Socialist Party in January, 1933. My Party number was 1,009,617. I became a member of the SA in 1933. In the summer of 1934 I became Hitler's personal physician and on 29 July 1934 I became a member of the General (Allgemeine) SS. My number was 260,359. I did not hold office either in the General SS or, later, in the Waffen SS.

"3. I was appointed Untersturmfuehrer in the General SS on 29 July 1934 and Obersturmfuehrer in the General SS on 1 January 1935. I received my military training with the replacement battalion (Ersatzbataillon) of the 12th Infantry Regiment at Blankenburg/Harz. Later I took part in military maneuvers at army hospitals in the military district of Berlin. On 11 May 1936 I was the recipient of the "Death Head Ring". That, Your Honors, is a ring given by the SS.

"4. In 1938 I was deferred so that in case of war I might serve on the staff of the Reich Chancellery in Hitler's headquarters. After the outbreak of war in 1939 I visited all fronts except the Balkan, Norway, Africa, Holland, and Denmark.

"5. On 20 April 1939 I was promoted to the rank of Obersturmbannfuehrer of the General SS. By the Fuehrer Order of 1 September 1939 I, in conjunction with Reichsleiter Philipp Bouhler, was charged by Adolf Hitler with extending the authority of certain physicians so that, after most critical examination, they were able to accord a mercy death to certain incurably ill persons. I was transferred from the SS Central Office (SS Hauptamt) in Berlin to the Waffen SS.



My position as personal physician to the Fuehrer remained unchanged. My military status in the Army (Oberstabsarzt) was not affected by the transfer.

"6. By order of the Fuehrer Decree dated 28 July 1942, I was appointed General Commissioner for Health and Sanitation (Generalkommissar des Fuehrers fuer das Sanitaets- und Gesundheitswesen). In this position I was directly responsible to the Fuehrer Adolf Hitler. I was simultaneously promoted to the rank of Standartenfuehrer in the Waffen SS. On 20 January 1943, I was promoted to Brigadefuehrer Waffen SS.

"7. On September 5, 1943, by Fuehrer Decree my responsibilities as General Commissioner were enlarged. I refer to the contents of this decree. On 20 April 1944, I was promoted to Gruppenfuehrer of the Waffen SS." That, Your Honor, is equivalent to the rank of Major General in the United States Army.

"8. On 25 August, 1944, by decree of the Fuehrer, I was appointed Reich Commissioner for Health and Sanitation (Reichskommissar fuer das Sanitaets- und Gesundheitswesen) and as such was authorized to issue instructions, within my sphere of duties, to all organizations of the State, Party, and Armed Forces in all matters concerned with the problems of sanitation and health. This decree did not become fully operative because a planned decree for a "Chief of Public Health" (Chef des zivilen Gesundheitswesens) was not issued due to administrative delay.

"9. I became Dr. Paul Rostock's superior in 1943 after the second Fuehrer Decree of 5 September 1943, but only in regard to the administration of the Office of Science and Research (Amt Wissenschaft und Forschung). Rostock did not start his activities until 1944, when he took over the office Berlitz. That was about February or March. (The given dates were confirmed to be right.) (Signed) Karl Brandt."

DR. SERVATIUS: Mr. President, Attorney Servatius, for defendant Carl Brandt. Because of a mistake in the translation, Mr. President, I am turning to you. Carl Brandt says that he had been escort physician. It has been translated as personal physician. As far as I know Brandt was not the personal physician but he had to be ready to accompany Adolf Hitler whenever he drove away in his car. Thus, he mainly had to wait. He had nothing to do with the medical treatment of Adolf Hitler. This difference may be of importance to the defense. That is the reason why I want to direct the attention of the President to the fact.

THE PRESIDENT: Dr. Servatius, will you please point out in the document itself where you say that discrepancy occurs?

DR. SERVATIUS: It is under Point 2 in the third line. Later on the expression occurs again "escort physician." However, I have not followed it and I am not saying what translations were chosen.

BY JUDGE SEBRING: Are you referring to that portion of Paragraph 2 which reads: "In the summer of 1934 I became Hitler's personal physician?"

DR. SERVATIUS: Yes.

BY JUDGE SEBRING: And you say that —

DR. SERVATIUS: He was only the physician who had to accompany him, because he was not the physician who had to give medical treatment.

BY JUDGE SEBRING: You make the distinction then between "personal physician" and "escort physician?"

DR. SERVATIUS: I cannot give an estimation as to the correct English translation. Dr. Merrell was his personal physician.

MR. CHASE: If your Honor please, I am not inclined to quibble about this translation. We translated it "personal physician." If he wants to make it "escort physician" that's all right with us.

BY THE PRESIDENT: That will be ordered.

MR. DENNY: We, of course, do not accept his remarks that Karl

Brandt in effect was some sort of chauffeur. Thus, we have in the defendant Karl Brandt a man who was a Major General in the SS, the escort physician to Hitler and Reich Commissioner of the Health and Medical Services. As to Brandt's position as Reich



Commissioner, I would now like to introduce three decrees of the Fuehrer showing the evolution of this office. They are taken from the Reichsgesetzblatt, which was an official German Government publication comparable to the Congressional Record. The first of these three decrees is Document NO-080 and we offer it as Prosecution Exhibit No. 5. This is a Fuehrer decree of 28 July 1942 concerning Medical and Health matters. It reads as follows:

"1. For the Wehrmacht I commission the Medical Inspector of the Army, in addition to his present duties, with the coordination of all tasks common to the Medical Services of the Wehrmacht, the Waffen SS and the organizations and units subordinate or attached to the Wehrmacht, as Chief of the Medical Services of the Wehrmacht.

"The Chief of the Medical Services of the Wehrmacht is to represent the Wehrmacht before the civilian authorities in all common medical problems arising in the various branches of the Wehrmacht, the Waffen SS and organizations and units subordinate or attached to the Wehrmacht, and will protect the interests of the Wehrmacht in all medical measures taken by the civilian authorities.

"For the purpose of coordinated treatment of these problems a medical officer of the Navy and a medical officer of the Luftwaffe will be assigned to work under him, the latter in the capacity of Chief of Staff. Fundamental problems pertaining to the medical service of the Waffen SS will be worked out in agreement with the Medical Inspectorate of the Waffen SS."

"R. MCNANEY: I have just completed the duties of the Office of Handloser which you see on the left on the chart. This decree covers work to be done by the defendant Handloser, by the defendant Karl Brandt and by the deceased Dr. Conti. The second paragraph deals with Conti and it reads as follows;

"In the field of Civilian Health Administration the State Secretary, in the Ministry of Interior and Reich Chief for Public Health, Dr. Conti, is responsible for coordinated measures. For this purpose

he has at his disposal the competent departments of the highest Reich authorities and their subordinate offices."

MR. MCMAHON: And here come now to Karl Brandt.

"I empower Prof. Dr. Karl Brandt, subordinate only to me personally and receiving his instructions directly from me, to carry out special tasks and negoti-



tions to readjust the requirements for doctors, hospitals, medical supplies, etc. between the military and the civilian sectors of the Health and Medical Services.

"5. My plenipotentiary for Health and Medical Services is to be kept informed about the fundamental events in the Medical Service of the Wehrmacht and in the Civilian Health Service. He is authorized to intervene in a responsible manner."

MR. MCNAMEY: That last paragraph is, of course, discussing Karl Brandt and it states he is to be kept between the defendant Handloser and between the deceased Doctor Conti and it also states that he is authorized to intervene in what is described as a "responsible manner." Signed by Adolf Hitler and Keitel. The second decree of the Fuehrer which I offer at this time is Document NO-081 as Prosecution Exhibit 6. This is from the Reichsgesetzblatt, found on page 533. The second Fuehrer Decree concerned the Medical and Health Services, 5 September 1943.

"In application of my decree concerning the Medical and Health Services of 23 July 1942" - which I have just read - "I order: The plenipotentiary for the Medical and Health Services, General Commissioner Professor Dr. Med. Brandt is charged with centrally coordinating and directing the problems and activities of the entire Medical and Health Service according to instructions. In this sense this order applies also the field of medical science and research as well as with the organizational institutions concerned with the manufacture and distribution of medical material."

"The plenipotentiary for the Medical and Health Services is authorized to appoint and commission special deputies for his spheres of action." Signed by the Fuehrer and the Reich Minister and Chief of the Reich Chancellery, Dr. Lammers."

MR. MCNAMEY: Now Dr. Brandt will tell us that his job was simply to allocate doctors and medical supplies as between the military and health

services. We do not deny that this was one of his functions but the decree I have just read very explicitly states that his power and responsibility extended to medical science and research.

It was on the occasion of this second decree that the defendant Rostock was appointed by Karl Brandt to the position as head of his office for Medical Science and Research. The third and final decree is Document NO-082 which we offer as Prosecution Exhibit 7. This is from the 1944 Reichsgesetzblatt Part 1, page 185. Fuehrer

Decree Concerning the appointment of a Reich Commissioner for Medical and Health Services, 25 August 1944.

"I hereby appoint the General Commissioner for Medical and Health Matters, Professor Dr. Brandt, Reich Commissioner for Sanitation and Health as well, for the duration of this war. In this capacity his office ranks as the highest Reich authority.

"The Reich Commissioner for Medical and Health Services is authorized to issue instruction to the offices and organizations of the State, Party and Wehrmacht which are concerned with the problems of the Medical and Health Services." Signed by the Fuehrer, Dr. Lammers, the Director of the Chancellery of the Party, Martin Bormann and the Chief of the OKW, Keitel.

MR. MCNAMEY: This decree promoted the defendant Karl Brandt to a rank equivalent to that of a Reich Minister. I turn now to the affidavit of the defendant Rostock, which is Document No. 676 and which we offer as Prosecution Exhibit 8.

"I, Dr. Paul Ludwig Ernst Rostock, being duly sworn, depose and stated:

1. "I was born January 18, 1892 at Kranz, District of Meeritz, Germany, I studied medicine at the Universities of Greifswald and Jena. In 1921 I received my doctorate and was appointed Assistant Surgeon at the Surgical Clinic of Jena. From 1927 until 1933 I was Chief Surgeon at the Bergmannshaus Clinic of Jena.

2. "In 1933 I was appointed Chief Surgeon at the Surgical Clinic in Berlin. Professor Magnus, who was Surgeon-in-Chief at the Clinic, went in 1936 to Munich and I was appointed deputy Surgeon-in-Chief and charged with the duties of Surgeon-in-Chief. In 1941 I was officially appointed Chief of the Clinic.

"3. I joined the SS-MF in 1938 or 1939, and received the rank of Generalarzt in the reserve."

MR. WEINSTEIN: If your Honors please, that's rather purely written. It doesn't mean that he received the rank of Generalarzt in the Nazi Party. It merely means that he was a General in the Medical Service in the Reserve of the Army.

"From 1939 until the end of the war I was consulting Surgeon to the Army and subordinate to the Military Medical Academy in Berlin. Dr. Handloser was my superior.



"4. In Winter of 1943 I was appointed Chief of the Office for Medical Science and Research. This department belonged to the office of Dr. Karl Brandt, Reich Commissioner for Health and Sanitation. I remained in this position until the end of the war." Signed "Paul Rostock."

MR. McHANEY: Thus Rostock was, until the latter part of 1943, a consulting surgeon to the army under the defendant Handloser. After that time he took the position under Karl Brandt as Chief of the Office for Medical Science and Research. It was his job, among other things, to see to it that the scientific facilities of Germany were usefully employed and that there was no duplication of research work. This, of course, required that he have a detailed knowledge of medical and scientific research in Germany. On the chart before the Tribunal we see some of the scientific groups over which he had supervisory control in as far as research was concerned. These included the Reich Research Council, about which the Tribunal will hear more shortly.

MR. PRESIDENT: At this time the Tribunal will be in recess for 15 minutes.



BY DR. McHANEY: To clear up the question of the admissibility of the documents which we have thus far offered this morning I would like to state that the Prosecution understands that if no objections is raised by defense counsel at the time that the document is offered, then it is to be assumed that the document is in fact admitted into the record.

THE PRESIDENT: It is our understanding that the defense counsel understands that very well.

MR. McHANEY: So much for the office of the Reich Commissioner for Health and Medical service.

I would like to turn now to Document No. 2082, which will be Prosecution Exhibit No. 9. This is a chart by the defendant Handlösser and shows the organization of the medical service of the Wehrmacht. This chart is now before the Court in an enlarged form on a frame behind the witness box.

Before discussing the chart I will read the affidavit of Handlösser, which is document No. 443, and this will be Prosecution Exhibit No. 10, and the chart is No. 2082.

" I, Dr. Siegfried Handlösser, being duly sworn, depose and state:

1. I was born in Konstanz (Baden) in 1885. I began my medical studies in the year 1903 as a student at the Kaiser Wilhelm Academy. I passed my premedical examination at the University of Berlin in the year 1910. In 1910 I was assigned to the Military Hospital and the 14th Field Artillery at Strassbourg, and in 1912 I became Chief Medical Officer of the Ariehp Battalions 1 and 2, which were stationed in Berlin, and in this capacity I directed research work for the observation of the haemoglobin level at various altitudes. I also became a certified free balloon pilot.

2. In 1914 I became first lieutenant (Medical) on the staff of physicians of the Guard Corps, and after the outbreak of the first World War I served on the Western Front in the Guard Regiment, as well as the Guard Corps Headquarters. In 1916 I became Commanding Officer of a di-

3. From 1920 until 1923 I was attached to the Medical Clinic of the University of Giessen for training as a specialist for internal diseases. From 1923 until 1926 I was Chief Medical Officer of corps area V at Ulm, and from 1926 until 1932 I was attached to the Chief of Medical Service, OKH, as Chief of the Division for Military Hospitals and Patients. In 1932 I became Chief Medical Officer at the corps area Stuttgart. From 1935 until 1938 I was Chief Medical Officer with Army Group Command 3. In 1938 I became Chief Medical Officer of the German forces in Austria under General List, who later became Field Marshal.

4. On 1 September 1939 I became Chief Medical Officer of the 14th German Army, and accompanied this army, which was commanded by General List, during the Polish campaign. I served as Chief Medical Officer of the 12th German Army during the campaign in France. On 6 November 1940 I became Deputy Army Medical Inspector, replacing Schumann.

5. On 1 January 1941 I was appointed Schumann's successor because the latter was dying. At this time (1 January 1941) General Ott was Chief Medical Officer of the Field Forces. In February 1941 Ott resigned, and I suggested, that the two Medical Departments, namely the Army Medical Inspectorate, which was under the control of the OKH, and the office of the Chief Medical Officer should be united. Since the principle of the independent authority of command was in harmony with the independent control by the OKH, I was ordered to unify the two offices tentatively. In April 1941 I received the official permission to keep both positions. But I was asked to retain two departments which were separated from each other.



6. By decree of the Fuehrer of 28 July 1942 - which I have already read - "I became head of the Wehrmacht Medical Services and besides maintained both physicians at the OKW - if Your Honor please, that should read OKH rather than OKW - "Dr. Karl Brandt, General Commissioner for Medical and Health matters, was my immediate superior in medical affairs.

7. By decree of the Fuehrer of 28 June 1942, which referred to Medical and Health matters, I was commissioned to supervise all phases of the Medical Service of the Wehrmacht and of all organizations subordinated or attached to the Wehrmacht, including the Waffen SS.

8. On 1 September 1944, the personal union between the Army Medical Inspector and the head of the Wehrmacht Medical Service was repealed by decree of the Fuehrer. I kept my position as Chief of the Wehrmacht Medical Service and General Walter was appointed to take over my two positions in the OKH."

Si gnat: "Dr. Handloser"

Thus, the defendant, Handloser, occupied a dual capacity over most of the period in which we are interested. From the latter part of 1940 until September 1944, Handloser was Chief of the Army Medical Inspectorate; while from July 1942 until the end of the war, he was also Chief of the Medical Services of the Armed Forces or Wehrmacht. The chart before the Tribunal shows on the left side, part of the organization of the Army Medical Inspectorate. (I take it it was on the left side in the small chart which the Court has on its desk. They apparently have somewhat changed the setup due to the space on the large chart now on the screen.)

During the course of the trial, you will hear mention made of the Military Medical Academy in Berlin, of the Typhus Institute of the OKH under Dr. Eyer, and also in connection with the freezing experiment of the Institute at St. Johann. Now all of those organizations - Military Medical Academy, the Typhus Institute of

the OEH under Dr. Eyer, and the Institute at St. Johann - were
subordinate to the Army Medical Inspectorate and the Chief of the Army
Medical Inspectorate from 1940 until September 1944 was Handloser.
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below the Army the Army Medical Inspectorate on the Chart, we have a breakdown of the organization of the Military Medical Academy. This Academy held meetings at least once a year which were attended by the Foremost Doctors in Germany, including a number of the defendants in the dock. The proof will show that at one of these meetings, reports were given on the typhus and sulfenilamide experiments on concentration camp inmates.

As Chief of the Medical Services of the Armed Forces, Handloser had subordinated to him, all of the medical services shown across the top of this chart: the Army, the Navy, the Luftwaffe, the Waffen SS, the Organization Todt, and the Reich Labor Front. Thus, Erich Rippken, Chief of the Luftwaffe Medical Inspectorate, his subordinate, the defendant, Schroeder, as well as the defendant, Ganzken, as Chief of the Medical Service of the Waffen SS, were all subordinated to Handloser. Handloser limits his jurisdiction over the Waffen SS to front-line troops and it is interesting to note that in the chart, he specifically states that the Institute for Typhus and Virus Research at the Buchenwald Concentration Camp was not subject to his command. The Typhus Institute at Buchenwald is shown on the chart before the Court under the Waffen SS. (I think it is the lower box.)

In Note 5 on the chart, which was drawn and certified by the defendant, Handloser, and which was brought into evidence, he states the following: (and I quote).

"Whether there was an exchange of letters between the Typhus Institute of the OKH under Dr Eyer" -- which is on the left part of the chart -- "and the Typhus Institute of the Waffen SS, how extensively and through which channels it was carried on, is not known to me. Anyhow,

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if there was such an exchange, it did not pass through my hands. The report on the production of spotted fever vaccine in Dr. Eyer's Institute, went to the Army Medical Inspectorate. Also, a requirement of the Wehrmacht branches were reported to that office. The distribution was made from a central point which accorded priority to matters of urgency."

This is clearly the defensive argument of a man who strongly suspects that the prosecution has found proof of the complicity which he knows to



exist of offices directly subordinate to him in the numerous typhus experiments at Buchenwald.

Before passing on, I want to introduce Document NO-227 as Prosecution Exhibit 11.

THE TRIBUNAL (JUDGE SEHRING) : Mr. McHanev, before passing on to the next one, it may be that I have the wrong chart here ?

MR. McHANEV : Which number is that, Your Honor ?

THE TRIBUNAL (JUDGE SEHRING) : But in your statements before the Tribunal, you kept reading, apparently from this statement of Dr. Handloser was talking about typhus. My translation here talks about the Spotted Fever Institute.

MR. McHANEV : Well, Your Honor, that is simply a question of translation. I think that you will find in a number of our documents that the German word "Fleckfieber" has been translated "Spotted fever". That is not to be confused with the disease which is common in the United States-- at least on the West Coast-- known as "Rocky Mountain Spotted Fever". We are not here charging the defendants with having experimented with Rocky Mountain Spotted Fever, but rather with "Fleckfieber" or typhus, which is sometimes known in our country as "Spotted Fever".

I was just offering for admittance into evidence, Document NO-227 as Prosecution Exhibit 11. This is a decree by Hitler and an order by Keitel restoring the responsibilities of Handloser as Chief of the Medical Services of the Wehrmacht. It was on the occasion of this decree that Handloser surrendered his post as Chief of the Army Medical Inspectorate, and thereafter, he occupied simply the position of Chief of the Medical Services of the Wehrmacht.

I would like to read parts of this exhibit. This is dated 7 August 1944."

"The Fuehrer and Supreme Commander of the Wehrmacht :

"To obtain^a better concentration of powers in the field of Medical Service of the Wehrmacht, I order in extension of my decree of 28 July 1942."

"First . The Chief of the Medical Service of the Wehrmacht will



direct, as far as the special field is concerned, the Medical Services of the Wehrmacht and the organizations and services installed within the home work of the Wehrmacht,--which should probable read "framework"--He is authorized to issue orders within the special field of his jurisdiction.

"Second: I approve the service regulation for the Chief of the Medical Service of the Wehrmacht issued by the Chief of the High Command of the Wehrmacht. It will replace the one of 28 July 1942, which was in effect up to now.

"Third: The personnel union of the Chief of Medical Services of the Wehrmacht and the Chief of the Medical Services of the Army is herewith cancelled as of September 1944."

Now, the Service Regulation issued by Keitel is also part of this same document, and is on the next page. It is also dated 7 August 1944 and is entitled "Service Regulation for the Chief of the Medical Service of the Wehrmacht." The first article deals with "Subordination and Powers."

One: The Chief of the Medical Services of the Wehrmacht will be directly under the Chief of the High Command of the Wehrmacht. He will have the position of an Office Chief, and the disciplinary power, according to Paragraph 18 of the Wehrmacht Regulation for Disciplinary Action and the other powers of a Commanding General.

Two: He had authority according to No. 1 of the Fuehrer Decree over the following:

(a) The Chief of Army Medical Service, the Chief of Navy Medical Service, the Chief of the Medical Service of the Luftwaffe, the Chief of the Medical Service of the Waffen SS, and the Medical Chiefs of the organizations and services employed within the framework of the Wehrmacht while they are acting in the area of command of the Wehrmacht.

(B) All scientific medical institutes, academies and other medical institutions of the services of the Wehrmacht and of the Waffen SS."

"II. Duties.

1. The Chief of the Medical Services of the Wehrmacht is the advisor of the Chief of the High Command of the Wehrmacht in all questions concerning the Medical Services of the Wehrmacht and of its health guidance.

2. The Chief of the Medical Services of the Wehrmacht will direct the total Medical Services of the Wehrmacht as far as the special field is concerned, with regard for the military instructions of the Chief of the High Command of the Military Service and the general rules of the Commissioner General for Medical and Health Departments." (The reference is to the defendant, Karl Brandt).

"3. The Chief of the Medical Services of the Wehrmacht will inform the Fuehrer's Commissioner General about basic events in the field of the Medical Services of the Wehrmacht.

He will represent the Wehrmacht to the civilian authorities in all actual medical affairs and he will protect their interests in connection with the health measures of the civilian administrative authorities.

He will represent the Medical Services of the Wehrmacht to the Medical Services of foreign powers.

4. Other duties of the Chief of the Medical Services of the Wehrmacht will be :

a) in the medical-scientific field :

Uniform measures in the field of health guidance, research, and the combatting of epidemics and all medical measures which require a uniform ruling among the Wehrmacht.

Evaluation of medical experiences.

Medical matters of the recruiting system, of the welfare and maintenance and of the prisoners of war.



He is the president of the scientific senate of the Medical Services of the Wehrmacht."

(B deals with organization and training system, which I will not read).

(I note again from Article III, which is Special Powers, page 22, of the English Document Book).



1. The chief of the Medical Services of the Wehrmacht is entitled to request from the services all records necessary for the performance of his assignments.

2. He is entitled to express his view on the appointment of medical officers or medical leaders in the Wehrmacht and also in the units of the Waffen SS which are subordinated to the Wehrmacht if the position is that of a Generalarzt or higher position. Before filling these positions his opinion has to be heard.

3. He is entitled to inspect the medical service, the medical units, the medical troops, and installations of the Wehrmacht after having informed the High Command of the Service concerned or the Headquarters of the units concerned. He is entitled to give orders on the spot in the field of medical service, if these are necessary for the removal of emergencies and do not disagree with fundamental orders of the Services. He has to inform the High Commands of the services concerned about the results of the inspections and about the issued orders.

4. Fundamental changes in the organization of the Medical Service, in the subordination of medical officers, non-commissioned officers, and enlisted men and of the officials and employees of the Medical Service require the consent of the Chief of the Medical Services of the Wehrmacht.

5. The Deputy of the Chief of the Medical Services of the Wehrmacht shall be a senior Medical Inspector or the Medical Chief of one of the services. The Chief of Staff will act as his deputy for routine duties. (Six deals with the title which the Chief of the Medical Services shall use when issuing orders.)

7. For the Chief of the Medical Services of the Wehrmacht the new table of organization of 1 April 1944 is taking effect.

The necessary personnel has to be taken from the Services, etc., above all from their Medical Inspectorates or Offices.

Signed: Keitel^a

(It can be seen from this decree, which I have read, how broad and extensive

were the powers, responsibilities, and duties of the defendant, Handloser, as Chief of the Medical Service of the Armed Forces.

We come now to the group of Luftwaffe defendants. These are Schroeder, Rose, Becker-Freysang, Weltr, Ruff, Bomberg, Reiglboeck, and Schaefer. Before reading the affidavits giving the personal histories of these defendants I would like to introduce two charts, signed by the defendant Schroeder, showing the organization of the Medical Service of the German Air Force. Document No. 418, which will be Prosecution Exhibit 12, gives the organization as it was from 1941 until the end of 1943. Now I had hoped that at this time we would have charts similar to the one before the Court which would show the organization of the Luftwaffe. However, due to mechanical and supply difficulties we were unable to get the charts prepared and, accordingly, will have to use the smaller charts which the Court now has. I think it would be helpful in presentation if I now introduce the second Luftwaffe chart which shows the organization following December 1943. If the Court could have these two charts open before them during the presentation I will try to indicate the positions of the defendants on each of the two charts as it may have changed.

JUDGE SARRING: What is the number of the last exhibit to which you refer?

MR. MCRAE: The last exhibit I have not as yet shown as submitted is Document NO-419, and will be Prosecution Exhibit 13. This chart, as I said, covers the period from 31 December 1943 until the end of the war. These charts are very complicated, as the Court may see, but we shall discuss them only to the extent necessary to bring into clear focus the positions of the defendants in the dock. On the upper right hand side of both charts, we find the position of Karl Brandt, Rostock, and Handloser in relation to the Medical Service of the Luftwaffe. The cross-hatched, dealing now with NO-418, line leading to Hupke and Schroeder, from the office of Karl Brandt and Rostock and Handloser — this cross hatched line, represents the channel of common in technical or medical matters. You will note on the chart,

after 1943: EQ-419, to the right that Postock by 1944 had a direct line of command (represented by the unbroken line) over Schroeder as to Science and Research.

I shall refer to the charts as I read the affidavits of the defendants, the first of which is that of Schroeder. This Doc. EQ-666 and is offered as Prosecution Exhibit 14.

"I, Dr. Oskar Schroeder, being duly sworn, depose and state:

1. I was born on 6 February 1891 at Hannover, Germany. I attended school in Hannover and, from 1910 until 1914, was a student at Kaiser Wilhelm Academy of Military Medical Education. During the first World War (1914-1920) I was a medical officer with the rank of First Lieutenant.

2. From 1920 to 1925 I received specialized training as an Ear, Nose, and Throat doctor at Koenigsberg and Wuergsburg. From October 1925 until 31 December 1930 I was Chief Medical Officer of the Ear, Nose, and Throat Department of the garrison hospital at Hannover. During this period I was also medical officer of a number of military units.

3. From 1 January 1931 until 31 August 1935 I was assigned to the Office of the Surgeon General of the Army as consultant to hospital matters and therapeutics with the rank of Major.

4. Until the end of 1935 my old friend and classmate, Brig. Gen. Hippke, asked me to become Chief of Staff in the newly formed Medical Department of the Reich Ministry of Aviation. I retained this position until 31 January 1940. In 1937 Hippke was made Chief of the Medical Service of the Luftwaffe. From 1 February 1940 until 31 December 1943 I was a physician for Air Fleet II and held the rank of Major General."

(The position of Hippke is shown on the first chart - about in the center of the chart. He was the predecessor of Schroeder and his title at that time was Inspector of the Medical Services of the Luftwaffe. This office was abbreviated L. In. 14) (Luftwaffe Inspectorate 14, which was Medical Service.)

The Tribunal will have the occasion to see the name of Hippke in L. In. 14. In that connection it should be remembered that the defendant Schroeder was until February 1940 Chief of Staff to Hippke and thereafter until December 31, 1943, he was Chief Physician to Air Fleet No. II. The latter position is shown on the first chart to the left. It is rather hard to find, your Honor. Do you find it? It is to the left from the center in a number of boxes in which are shown positions of the Air Fleet in Germany, one Air Fleet No. II of which Schroeder was Chief Physician.)



During this whole period, Schroeder was the highest ranking officer in the Medical Service of the Luftwaffe, next to Hippke. I continue now reading Schroeder's affidavit. Paragraph 5:

"On 1 January 1944 I was appointed to succeed Hippke and became Chief of the Medical Service of the Luftwaffe. I was promoted to the rank of Lieutenant General (Generaloberstabsarzt), and held this position until the end of the Second World War. /Signed/ Dr. Oskar Schroeder."

Schroeder's position as Chief of the Medical Service of the Luftwaffe is shown in the middle of the second chart which the Court has received.

I turn now to the Defendant Rose, and I read his affidavit, which is Document NC-673 and is offered as Prosecution Exhibit 15. It is on page 27 of the English Document Book:

"I Dr. Gerhard August Heinrich Rose, being duly sworn, depose and state:

"1. I was born November 30, 1896 in Danzig. I studied medicine at Berlin and Breslau Universities and passed my state examination in October 1921.

"2. During the latter part of 1921 and the first part of 1922 I interned at the Hygiene Institute of Breslau University, the Medical Polyclinic, and the Pathological Institute of the Wenzler-Hencke Hospital in Breslau. From May until August 1922 I was an assistant on the staff of the Institute for Contagious Diseases of the Robert Koch Institute in Berlin. From August 1922 until February 1923 I was assistant on the staff of the Hygienic Institute of Basle University. From March 1923 until September 1925 I was assistant on the staff of the Institute for Anatomy in Heidelberg. From October 1925 until February 1926 I was a member of the staff of the Surgical Clinic of Heidelberg University. (From March 1926 until May 1929 I engaged in the private practice of medicine in Heidelberg.)

"3. In 1929 I went to China, and from August 1929 until September 1936 was Chief of the Institute for Public Health (Landesanstalt fuer

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Gesundheitswesen) in Chekiang, in Hankow, China. During this time I was also advisor in public health matters to the Ministry of the Interior of Chekiang. In 1930, while in China, I joined the NSDA.



"4. In 1936 I returned to Germany and became professor and head of the Department for Tropical Medicine at the Robert Koch Institute in Berlin. In 1942 I became Vice President of the Institute but retained my professorship and position as head of the Department for Tropical Medicine. Dr. Gildemeister was President of the Robert Koch Institute.

"5. On August 26, 1939 I joined the Luftwaffe with the rank of Oberarzt (1st Lieutenant) in the Medical Corps. I rose to the rank of Generalarzt (General) in the Reserve. I was Consulting Medical Officer on Hygiene and Tropical Medicine to the Chief of the Medical Services of the Luftwaffe (Chef der Sanitätswesen der Luftwaffe.) I remained in this position until the end of the war. My superior was Dr. Hingst until January 1, 1944, Dr. Schroeder.

"6. From 1944 until the end of the war I was medical consultant to Dr. Hentelner, Chief of the Medical Service of the Armed Forces (Chef des Wehrmachtssanitätswesens). I was also medical advisor to Dr. Guntz in matters pertaining to tropical diseases. I was subordinate to him in my capacity of member of the Robert Koch Institute, since he was the Chief of the Civilian Medical Service, being Undersecretary of State. /Signed/ Dr. Gerhard Koch."

The position of Koch was consulting hygienist to the Luftwaffe is shown on the left side of both charts. He was an expert on tropical diseases, including, among others, malaria, yellow fever and typhus.

I must add parenthetically here that the Tribunal shall hear of Koch particularly here in connection with the typhus experiments by Dr. Hagen of the University of Strasbourg and by Dr. Ding of the Buchenwald Concentration Camp. Hagen is shown on both charts, and it may be a little difficult for you to find. I am afraid you will have considerable difficulty in finding it. There is a box, just to the left of the middle, down below which is entitled "University of Strasbourg, Professor Hagen." He was a consulting hygienist to the Air Fleet Reich. Dr. Hagen did a substantial part of his experimental work at the Natzweiler Concentration Camp, which was quite close to Strasbourg.

You will remember that the typhus Institute at Buchenwald was shown on the chart drawn by Handloser. It will also be on the SS charts, to which we will come in a moment.

I turn now to the affidavit of defendant Becker-Freysang, which is Document No. MC-669. After signing this document, Becker-Freysang desired to make an amendment, and this is embodied in Document No. 790. I submit both of these documents as Prosecution Exhibit 16.

"I Dr. Hermann Becker-Freysang, swear, depose and state:

"1. I was born on 18 July 1910 in Ludwigshafen/Rhein, Germany, I studied medicine at the Universities of Heidelberg, Innsbruck and Berlin and passed my state examination in 1935 in Berlin.

"2. Until 1938 I was assistant physician at the clinic for internal medicine at the Robert Koch Hospital in Berlin. From 1938 until 1945 I was scientific assistant at the Medical Research Institute for aviation in Berlin.

"3. In 1933 I joined the NSDAP. In 1940 I was drafted into the Luftwaffe and in 1943 I was promoted to the rank of Stabsarzt. From July until December 1940 I was physician at the aviator examination post, Bockenheim/Rheinland. From December 1940 until February 1941 I attended the Military Academy in Göttingen.

"4. From February 1941 until August 1941 I was assigned to the 1st Section for low pressure chamber tests of the Luftwaffe, which was temporarily stationed in Romania. My task chiefly consisted in assisting the demonstration of instructional experiments, which included a test of the reaction of fighter crews at altitudes of 12,000 meters.

"5. From August 1941 until January 1944 I was attached to Dr. Anthony as assistant consultant (Hilfsreferent) in the Department for Aviation Medicine in the Office of Inspector of the Medicine Service of the Luftwaffe, Dr. Hoppke. From January 1944, when Dr. Oskar Schroeder became chief of the Medical Service of the Luftwaffe, until the end of the war I was consultant for Aviation Medicine in his (Schroeder) office.

"6. During the period from 1935 until 1938 I continued my work at the

Medical Research Institute for Aviation in Berlin. I carried out research work independently, on the adaptability of pilots in high altitudes, their reaction to the lack of oxygen, and oxygen poisoning.

(Signed/ Dr. Hermann Becker-Reyesen.)

The amendments to his affidavit, which is embodied in Document No-790, is as follows:

"In paragraph 5 of my affidavit of 13 November 1946 the following correction has to be made:

"My title from August 1941 to about 15 May 1944 was Assistant Consultant (Hilfsreferent) under Dr. Anthony in the Department (Referat) for Aviation Medicine in the Office of the Inspector of the Medical Service, later in the office of the Chief of the Medical Service of the Luftwaffe.

"Only from about 15 May 1944 to the end of the war I was Consultant (Referent) in the above mentioned office."

The change that he is making is that in his first affidavit he stated that he became the consultant for Aviation Medicine to Schroeder on January 1, 1944, while his amendment states that he, in fact, became the Chief Consultant only on 15 May 1944.

THE EXHIBITS: Are the amendment and the affidavit attached together?

MR. McKEE: Attached to what?

THE EXHIBITS: Attached one to the other, the original affidavit and the amendment.

MR. McKEE: Yes. They go in together as exhibits and carry the same exhibit number.

THE EXHIBITS: I understood that, but if they are not attached together, there will be some difficulty. I have two exhibits 16's. If they are attached together, one marked as Exhibit 16 is sufficient. If they are not attached together, one could be marked exhibit 16 and the other 16 (2).

MR. McKEE: I think that is the proper suggestion.

DR. MARY (Counsel for defendant Becker-Freysang): In the chart which Counsel for the Prosecution has submitted it says, with reference to Dr. Becker - this can be found approximately in the center of this chart - it says he was the liaison man between Schroeder and I can hardly read the next part.... Then it says Dr. Becker-Freysang, Liaison Man between Schroeder and Georgii. I should like to remark in that connection that Dr. Becker was only the consulting physician in the department without any authority to sign and without any responsibility, so that the name "liaison man" is not justified in any way whatsoever. In addition, I should rectify another mistake: Dr. Becker was active in the Robert Koch Hospital and not in the Robert Koch Institute.

MR. MORANBY: If the Tribunal please, I think that the remark about the power of the defendant Becker-Freysang to sign orders is more a matter of argument than an objection to the chart which we have offered. I also think that if the defense counsel for Becker-Freysang will consult with his client that he will find that the position put on this chart showing a relationship of liaison man from Schroeder to another department headed by a man named Georgii was entirely separate and distinct from his position as assistant consultant to Dr. Anthony in the Department for Aviation Medicine. He later became, of course, the Chief of the Department for Aviation Medicine which he stated was on 15 May 1944. As to his power to sign orders and things of that nature we will come to that in due course.

THE PRESIDENT: The exhibit may be admitted. Explanations may be made later as to the powers of the defendant.

MR. MORANBY: Thus, Becker-Freysang was an important figure in the field of aviation medicine. As I understand it, aviation medicine includes all medical problems incident to the operation of aircraft - for example, the effect of high altitude on the human body and questions of velocity and night-vision. Problems of cold and sea rescue also fall

within his work. The field of hygiene, on the other hand, covers general medical problems, such as sanitation and infectious diseases. The defendant Ross was a consultant on hygiene, the defendant Becker-Freyseng a consultant on aviation medicine.

Becker-Freyseng appears on both the charts. On the one showing the organization as it existed up until December, 1913, he is shown under Anthony in the referat or department for aviation medicine. On the right, he is shown as chief of the department for aviation medicine. That is to say, on the later chart. He also appears as liaison between Schroeder and the Office of Research Guidance in the Ministry of Aviation under Georgii. That is the box which the defense counsel for Becker-Freyseng called to the Court's attention. To put it succinctly, Becker-Freyseng was the chief adviser to Schroeder on questions of medical research.

While Becker-Freyseng was primarily interested in aviation medicine, it is also true that many, if not all, medical research assignments by the Medical Service of the Luftwaffe were made through his office. Thus, we shall see that the research work of Hagen on typhus was assigned by the Department for Aviation Medicine.

We turn now to the defendant Walte and his affidavit is Document NO-577, which will be Prosecution Exhibit 17.:

"I, Dr. Georg August Walte, being duly sworn, depose and state:

"1. I was born 16 March 1889, at Ludwigshafen on Rhine. I studied medicine at the Universities of Jena, Kiel, Konigsberg, and Munich and passed my state examination in 1913.

"2. During the First World War, I served in the Medical Office. My highest rank was that of Assistant Physician, that is to say, Assistenzarzt. During the early part of World War I, I was for a whole period pilot with a field aviation Division. During 1919 and 1920, I was an assistant physician at the Medical and Surgical Clinic in Munich. From 1921 until 1936, I practiced in Munich, specializing in roentgenology.

"3. From 1936 until 1945, I lectured on Aviation Medicine at the University of Munich. At the same time, I, in connection with Professor Broemser, did research work in the field of x-ray methods and aviation medicine, at the physiological Institute of the University of Munich.

"4. I joined the N.S.D.A.P., in 1937. I was also a member of the National Socialist Physician's Association and National Socialist Lecturers' Association and NSFK. In August 1939, I was called into the Luftwaffe. In the course of the war, I rose to the rank of Oberfeldarzt, equivalent rank of Lieutenant Colonel. During this time I also operated a Pilots' Physical Examination Office in Neubiberg and worked at the permanent Examination Board No. 4 in Munich, where I was concerned mainly with the physical endurance and reactions of pilots at high altitudes.

"5. In 1944 my division of the Physiological Institute at Munich University, where I was doing research work, was taken over by the Luftwaffe and renamed the Institute for Aviation Medicine. I was made Chief of this Institute and remained in that position until the end of the war. The field of research engaged in at the Institute included physical reactions of the pilot at high altitudes, reciprocity of respirations and circulation, cooling, collapse, and revival of the pilot. In 1944 I was appointed Non-established Professor at the University of Munich. (Signed) DR. GEORG AUGUST WELTZ."

The Institute for Aviation Medicine at Munich under Welts is shown on both of our charts. On the earlier chart, that is, showing the organization prior to 1944, the Tribunal will find the name of Dr. Rascher in a box beneath Welts. Rascher was a Captain in the Luftwaffe and an important figure in most of the medical experiments performed at the Dachau Concentration Camp, which was approximately 12 miles from Munich. During part of those experiments, the Prosecution contends that Rascher was a Luftwaffe doctor attached to the institute of Welts. That fact does not appear on this chart and we do not contend that it does.

Two of Rascher's co-workers in the freezing experiments were Halslochner and Finke, both Luftwaffe doctors. These names also appear on the chart showing the earlier period. Halslochner committed suicide before his capture and the whereabouts of Finke is unknown.

We turn now to the defendant Ruff. His affidavit is Document NO-638 and will be Prosecution Exhibit 18.

"1. I was born on 19 February 1907 at Friedersheim on Niederrhein, Germany. I graduated from high school in Berlin in 1926, and commenced the study of medicine. I studied at the Universities of Berlin and Bonn and passed my state examination in Bonn at the beginning of 1932. From 1932 until January 1934, I was an interne and assistant at the clinics of Bonn University.

"2. In January 1934, I was assigned to the German experimental institute for aviation, in order to establish a department for Aviation Medicine. I became chief of this department, which was later renamed the Institute for Aviation Medicine. I remained in this position until the end of the war. My chief assistant was Dr. Hans Wolfgang ROEBERG, who, towards the end of the war, attained the position of a department head at the institute. I was a reserve officer in the Luftwaffe with the rank of First Lieutenant."

Once the defendant ROEBERG was an assistant to RUFF, I shall read his affidavit before indicating their positions on the charts. This, his affidavit, is Document NO-588, and will be Prosecution Exhibit 19.

"I, Dr. Hans Wolfgang Arthur Bernhard ROEBERG, being duly sworn, depose and state:

"1. I was born on May 15, 1911 in Berlin. From 1929 until 1935, I studied medicine at the Universities of Berlin and Tübingen. I passed my state examination in 1935.

"2. I joined the NSDAP in May 1933. From April 1936 until 1938, I interned and was assistant physician at the Krankenhaus of Friedrichshain, a Berlin hospital. During 1937, I served in the German air force for two months.

"3. On 1 January 1938, I joined the staff of the German Experimental Institute for Aviation in Berlin, as an associate scientist. I remained in this position until the end of the war. My superior was always Dr. Siegfried RUFF. In this position I was concerned, among other things, with problems of altitude and velocity." The German Experimental Institute for Aviation, in which

the defendants, RUFF and ROBERG, were active, are shown on both of our charts as being subordinated as far as aviation medical research is concerned to, first, HIPPE, and thereafter to SCHROEDER. The names of both RUFF and ROBERG appear in the box immediately beside this Department for Aviation Medicine. These two gentlemen who are arrayed with RASCHER in carrying out the high altitude experiments at



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Dachau in the spring and summer of 1942. Their co-operation was secured, as we shall demonstrate, through the good offices of the defendant WELT. Lastly, we come to the two Luftwaffe defendants, who are in the dock primarily because of the part they played in the experiments to make seawater drinkable. BEIGLEBROECK's affidavit is document NO-674, which becomes Prosecution Exhibit 20. It reads as follows:

1st. Dr. Wilhelm Franz Joseph Beiglebroeck, being duly sworn, deposes and states:

1st. I was born in October 10, 1905, at Hochneukirchen, Lower Austria. I studied medicine at the University of Vienna and passed my state examination in 1931.

2nd. I joined the NSDAP in 1933, but received my party number after the annexation of Austria. I joined the SA in 1934. My last rank in the SA was that Obersturmbannführer of the Medical Service. I was also a member of the association of Nazi physicians and the association of Nazi academic lecturers.

3rd. From 1931 to 1933, I was an assistant physician on the staff of the Third Medical Clinic in Vienna, from 1931 until the end of the war, I was associated with the First Hospital in Vienna, in 1937 becoming chief physician, I qualified as an academic lecturer and, in 1944, qualified as extraordinary professor.

4th. In May, 1941, I joined the German air force, where I rose to the rank of Captain in the Medical Services. From August 1941, until December 1941, I was stationed in an air force hospital in Wels, Upper Austria. From December 1941 until May 1942, I was stationed at the air force hospital at Vienna, where I worked in the department for the treatment of internal disease.

5th. From May 1942 until July 1942, I attended the war school in Eggen, and in July 1942 until November 1943, I was assigned to the motorized medical detachment where I was in charge of the Department for Internal Disease. From November 1943 until 1944, I was stationed at the air force

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hospital at Braunschweig, where I was Deputy Department Head of the Department for Internal Diseases. From early 1944 until the end of the war, except for approximately a six-week period, I was stationed at the hospital for paratroopers at Tarvis, Northern Italy, where I was chief physician for the Department of Internal Diseases.

"6. From approximately 1 July 1944, while stationed at Tarvis Italy, I was ordered by Dr. Becker-Freyseng to report to Dachau. I remained at Dachau for a period of approximately eight weeks, where I assisted in the experiments pertaining to the SCHAEFER and BURKA methods of rendering seawater potable."

SCHULBROCKS's position is not shown on either the two charts. he was recalled from service in Italy to conduct the seawater experiments, having been recommended to one Dr. Hans Appinger, who was a consultant to the Luftwaffe. Appinger recently took his life in Vienna.

Document NO-686, which will be Prosecution Exhibit 21, is the affidavit of STUMPFER.

Chart No. 1.

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"1. Dr. Konrad Wilhelm Philip Schaefer, being duly sworn, depose and state:

1. "I was born on January 7, 1911, at Muehlhausen, Alsatia, Germany. I studied medicine at the Universities of Munich, Berlin, Innsbruck and Heidelberg. I passed my state examination in Heidelberg in December 1935.

"2. In the beginning of 1936, I worked as a medical interneer at the Heidelberg University, Chemo Therapeutic Clinic in Berlin. A little later, in 1936, I became affiliated with the firm of SCHERING, A.G. in Berlin, as an Assistant to Dr. Feldt in the therapeutic laboratory. I worked part time in SCHERING, A.G. In 1938 I had to leave the clinic because I was not a member of the NSDAP. I remained with SCHERING until November 1941.

"3. In November 1941, I was drafted into the Luftwaffe and received my basic medical training in Eaden, near Vienna, Austria. In March 1942, I was transferred to the Luftwaffe replacement depot in Baylo, and from there to the Luftwaffe base at Frankfurt on the Oder.

"4. In the summer of 1942, I was transferred to Berlin, and assigned to the staff of the Research Institute for Aviation medicine. Simultaneously, I received my position in the Research Department of the Chemotherapeutic Laboratory of SCHERING, A.G. My chief assignment at the institute was to do research work on the problems of sea emergency for the Luftwaffe. This included research on various methods to render sea water potable. I remained in these positions until the end of the war."

The position of SCHAEFER and the Research Institute for Aviation Medicine appear on both of the charts.

DR. FLICKMAN: I have an objection to the admissibility of both the charts, with reference to the defendant SCHAEFER.

The charts are to give you an optical impression with reference to the organizations as they are explained in the affidavit, and in particular, with reference to the position of the defendant in that organization. The chart does not give you the correct optical impression which should be seen when reading the affidavit made by SCHAEFER. SCHAEFER was one of the collaborators in the staff of the Aviation Institute for Medicine. If the Tribunal would like to look at the chart, it will see that under the name of this institute, and its leader, Professor STRUGHOLD, there is a small box on which it says, "Dr. SCHAEFER." Beneath that, there are other boxes, which are subordinated to Dr. SCHAEFER and Dr. STRUGHOLD. This box, Dr. SCHAEFER, therefore, gives you a wrong impression which is neither in compliance with the testimony of SCHAEFER which has just been read, nor with the statement of Professor SCHROEDER, which was read before that. SCHAEFER was merely a collaborator and he was assigned to his duties as such and was only one of 30 to 40 collaborators in this institute. However, when looking at the chart, and that is my objection as to its admissibility, it appears as if he were the second man after STRUGHOLD.

MR. McILINNEY: Your Honor will appreciate the fact that it is impossible on a piece of paper the size of the charts that we have submitted to show each and every individual who was a member of these various institutes which were subordinated to the medical service of the Luftwaffe. It happens that we were interested in SCHAEFER. We are not interested in the other 38 students at this institute. Also, I would like to point out that we do not take the position at all that SCHAEFER was second in command after STRUGHOLD, and I am not aware that the Prosecution has said anything to lead the counsel for this defendant to take that position. In any event, I do not think that his remarks go to an objection

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against the admissibility of this document, conceding that the document is wrong, he may point out these facts to the Court at the time he presents his case. The document was drawn for use by the defendant SCHROEDER, and purports to be an accurate chart of the organization of the medical services of the Luftwaffe.

THE PRESIDENT: Objection of counsel overruled, till we understand what the charts were made for, and subject to explanation as the evidence progresses. The Court will now take its noon recess.

(The recess was taken until 1330 hours)



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AFTERNOON SESSION

(THE HEARING RE-CONVENED AT 1330 HOURS, 9 DECEMBER 1946)

THE MARSHAL: Persons in the court room may find seats. Kindly all arise while the judges come in.

(The judges enter)

THE MARSHAL: The Military Tribunal is again in session.

MR. McHANEY: We have completed our presentation as to the defendants that were active within the frame-work of the Luftwaffe. And, next, we can consider the positions held by the defendants in the black within the frame-work of the SS, an organization which was found to be criminal by The International Military Tribunal.

The defendants Karl Brandt, Gonsken, Gebhardt, Rudolf Brandt, Krugowsky, Helmut Papendick, Viktor Brack, Hoven and Fritz Fischer, were all members of the SS after 1 September 1939, and are so charged in Count 3 of the Indictment.

We have already become familiar with the position of Karl Brandt. Before turning to the careers of the other SS defendants, I think it would be helpful for the Tribunal to present in evidence the charts showing the medical organization of the SS.

The next document is NO-416, which will be Prosecution Exhibit No. 22, and it carries the organization of the SS prior to 31 August 1943.

The second chart is Document NO-417, which will be Prosecution Exhibit No. 23, and it covers the medical organization of the SS after the 31st of August 1943.

Both of these charts were signed by the defendant Krugowsky. He has also been asked to have these charts reproduced in larger scale for use in the Courtroom, but that has proved impossible.

Of course, the charts of the SS, including the Medical Department, were under the command of the Reichsfuehrer of the SS, Heinrich Himmler. The relationship of Karl Brandt and Hoven to the Medical Service of the SS, by virtue of their positions as Reichminister of the Reich and Sanitation and Chief of the Medical Services of the Wehrmacht are shown in these charts. The broken lines.

indicate direct control, while the other one concerns itself with front line troops.

You will find within the broken lines the dots and dashes running from that of Danneberg to that of Genaken. I shall refer to the charts in more detail as we consider the affidavits of the SS defendants. The first of these is the affidavit of Genaken. Document No. 439, which will be Prosecution Exhibit 24:

(Reading) "I, Dr. Karl Dhar, against GENAKEN, being duly sworn, depose, and state:

1. I was born on 8 June 1885 at Froots (Holstein) near Kiel. In 1906 I graduated from the Gymnasium in Danneberg, and in 1908 passed my "physicum" at the University of Marburg. From 1911 to August 1922, I interned at the Plauen Hospital.

2. In August 1912, I entered the German Navy as a Naval physician with the rank of Unterarzt and from August 1912 until November 1919 I was on active duty with the German Navy. I served as Medical Officer on various U boats and on the Cruiser "Hamburg" during the first World War. During the years of 1915 to 1917, I worked on the organization of the U Boat Medical Service. During the years 1918 and 1919, I served in the shipyard hospital in Wilhelmshaven.

3. From November 1918 until October 1934, I practiced medicine in my home town of Froots, and in October 1934 entered the German Navy for the second time. I became Reserve Officer in the Medical Department of the Defense Ministry. Beginning in February 1934, I served as an investigating doctor of the Sick Benefit System of Gross-Berlin.

4. In July 1926, I joined the NSDAP, my party membership number being 35,913. In 1932, I entered the Association of National Socialist Doctors.

5. On March 1, 1936, I entered the Waffen-SS as Stabsarzt. My number was 207954. I was assigned to the Medical Office of the SS-Special Service Troops as adviser on health cares and dependent's care. I also served as a field doctor in the Signal Detachment of the SS "Leibstandarte". I was

subsequently appointed chief physician of the newly established "SS Hospital" Berlin. I also directed the Sanitäts-Schule (Training School for soldiers of the Medical Corps) attached to the "SS Hospital".

"In the Spring of 1937, along with the general expansion of the SS, the SS Medical Office was enlarged and split into two departments. My department was charged with the supply of medical equipment and the supervision of medical personnel in the concentration camps. Dr. Grunitz, then SS Oberführer and Chief of the SS Medical Office was my immediate superior. In this capacity, I was also the Medical Officer of Wicks, the commander of all concentration camps. I acted in this capacity until the beginning of the war. With the outbreak of war in September 1939, I was replaced by Dr. Arntzsch."

In September 1939, I was charged with the activation of the 3rd Medical Battalion of the 3rd Panzer Grenadier Division in Heilbronn, Ludwigsburg and Korbach. In May 1940, I was appointed Chief of the Medical Office of the Staff-SS Office VII, in the SS Operational Headquarters at Berlin and was promoted to the rank of SS-Oberführer. At the end of 1942, I was appointed Chief of the Medical Service of the Staff-SS, Division D in the SS Operation Headquarters with the rank of Brigadeführer."

The position held by Genzken from May 1940 until 31 August 1943 is shown on the chart which gives the organization of the SS Medical Service until August 1943. You will see the block containing his name as Division D Medical Service of the Staff-SS. That office was attached to the so-called Hauptamt, or the Operational Main Office of the SS under Goebbels. All of the blocks under Himmler such as the one with Goebbels' name in it, represent the SS Main Offices and there were 12 in number. The subordination of the various medical offices that are listed under one or the other of these main offices are, of course, not all of the departments in these SS main offices. As shown on this chart simply the medical offices.

As stated by Genzken in paragraph 6, he left his job as medical officer for the concentration camp in 1939. Now, the chart which is now before the court shows this position as being held by Dr. Lolling under Pohl in the

Economic and Administrative Main Office of the SS. By early 1942 the WH., (which are the German initials for the SS Main Office and Administrative Office) had complete administrative control over all concentration camps.

This SS Main Office under Pohl, the WH., was one of the principal points around which the common design or conspiracy charge in the Indictment operated, for it was there that the human experimental subjects were obtained.



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I continue to read from the Genzken Affidavit, Paragraph 8:

"8. On September 1, 1943, the Medical Service of the Waffen-SS was reorganized. I had been promoted to the rank of Gruppenfuhrer on 30 January 1943. During my service as head of the Waffen-SS Medical Service, my immediate medical superior was Dr. Grawitz, Reich Physician SS and Police, and when Grawitz was away from Berlin, I was in many events his deputy in the Medical Service of the SS.

"9. Throughout the war, medical field units of the Waffen SS were subordinated to the Medical Service of the Army, which was supervised by Dr. Handloser. By Fuhrer Decree of July 28, 1942, Dr. Handloser was appointed Chief of the Medical Service of the Wehrmacht. As a result of this reorganization, Handloser also became my immediate superior as far as medical matters are concerned.

"10. From the fall of 1940 until September 1, 1943, Dr. Krugowsky, who was head of the Hygiene Office in the Waffen-SS Medical Office, was subordinate to me. After September 1, 1943, Dr. Krugowsky was placed directly under Dr. Grawitz and was subordinate to him.

(signed) Karl Genzken."

An item to note here is the shift in direct command over the Defendant Krugowsky and derivatively through Krugowsky over the Typhus and Virus Institute at the Buchenwald Concentration Camp. Prior to 31 August 1943, Genzken was in command of Krugowsky; thereafter Grawitz, who no longer is living, was in command of Krugowsky. The Tribunal should not assume that Genzken, as a result of this reorganization, was no longer interested in the Hygiene Institute and research at Buchenwald. As Chief of the Medical Services of the Waffen-SS his interest in medical research remained the same. So, with the Defendant Handloser, both of these men were vitally concerned with typhus research as a result of epidemics

among troops fighting in the East against Russia. The Tribunal shall, at a later point in the trial, hear a great deal about the experiments conducted at the Institute in Buchenwald both before and after this reorganization within the SS that I have just discussed.

The Defendant Gophardt has given us an affidavit, which is Document No. NO-671 and which I offer as Prosecution Exhibit 35. This is on Page 44 of the English Document Book.

"I, Dr. Karl Gophardt, being duly sworn, depose and state:

"1. I was born on 23 November 1897 at Haag, Germany. I attended school in Haag, Munich, Rosenheim, and Landshut, and in 1916 I joined the German Army. I took part in the fighting on the Western Front. From 1917 to 1919 I was a prisoner of war in England. In 1920 I was a member of the Munich Student Company during the fighting under the leadership of the then Minister of the Interior Neugebauer in the skirmishes in the Ruhr Territory.

"2. In 1919 I continued my medical studies at the University of Munich. During 1922 I interned at the City Hospital in Landshut and at the Pathological Institute at Munich, and became an assistant resident physician without pay there in the fall of 1922.

"3. On 9 November 1923 I took part in the Nazi putsch in Munich as a member of the Free Corps "Brand Oberland." In 1924 I became an assistant at the Munich University Surgical Clinic under Geheimrat Sauerbruch until 1926, then under Geheimrat Lexer until 1933. In 1932 I became instructor in surgery at Munich University.

"4. I joined the Nazi Party on 1 May 1933, my number being 1,723,317. I joined the General-SS on 20 April 1935, my number being 265,694. I ultimately rose

to the rank of SS Gruppenfuehrer in the General-SS and to the rank of General-Lieutenant or Major General in the Reserve of the Waffen-SS.

"5. In 1933 I was assigned to the hospital at Hohenlychen as Chief Physician. I remained in this position until the end of the war. At the same time I was consulting physician to the Reich Sport Leadership and Chief of the Medical Institute of the Reich Academy for Physical Exercise in Berlin. In 1935 I became honorary University Professor and in 1937 regular Professor at the University of Berlin. During 1935 and the summer of 1936 I was Physician-in-Chief at the Olympic Games. In 1938 I became a physician at Hitler's Headquarters. I was also personal physician to Hitler and his family.

"6. In 1940 I became surgical advisor to the Waffen-SS and visited the front line divisions. Since 1935 I had been surgical advisor to the Organization Todt, at first for the Reich Autobahns and since 1940 for the West Wall work. Since 1940 I was also in charge of the convalescent home Kulmbach of the Organization Todt.

"7. In August 1940..."

I think that is an incorrect translation. I think it should read August 1943.

... "I created and took over the position of Chief Clinical Officer of the Reichsarzt SS and Polizei. I held this position until the end of the war. Dr. Grawitz was my superior. From February 1943 until the spring of 1944 I was personal physician to Albert Speer. I treated him at Hohenlychen and then accompanied him to Italy. With the invasion in 1944 I also became Hoerresgruppenarzt of the Army Group Oberrhein and in 1945 of the Army Group Weichsel, my services being required at the front, in the defense areas, and at home. On 23 April 1945 I became



President of the German Red Cross.

(signed Karl Gebhardt.)

The name of Gebhardt is shown on the Chart of the Organization following August, 1943, where he held the position of Chief Surgeon in the office of Grawitz. It is shown in one of the boxes at the left of Grawitz' name on the chart. Thus we have in the dock the worthy successor of Grawitz as the President of the German Red Cross, Grawitz, the Reichs Physician of the SS, who took his own life in the last days of the war.

Gebhardt was, without question, one of the closest medical advisors to Himmler and, as he states in Paragraph 5 of his affidavit, he was Himmler's personal physician. It can be said, I think, that Gebhardt's position vis-a-vis Himmler was about the same as Karl Brandt vis-a-vis Hitler. Gebhardt was, as he stated, also personal physician to Albert Speer, a defendant before the I.M.T. Gebhardt worked for many years as the Chief Surgeon at the Hospital at Hohenlychen. During the particular time during which we are here interested, he was assisted by the Defendants Fischer and Oberheuser, who, together, performed the experiments on Polish women in the Ravensbruck Concentration Camp in connection with the sulfanilamide experiments and this Tribunal will be accorded the opportunity of observing in person the pitiful results of these criminal operations performed by Gebhardt and his partners-in-crime.

I will now read the affidavit of Fritz Fischer which is Document No. NO-559 and will be Prosecution Exhibit 26.



"I, Dr. Fritz Ernst Albert Fischer, being duly sworn, depose and state:

I was born October 5, 1912 in Berlin. In 1931 I commenced the study of medicine and attended the universities of Berlin, Hamburg, Leipzig and Bonn, I received my doctorate in Hamburg in 1938.

2. I joined the NSDAP in 1939, my number being 4,945,298. I joined the SS on February 1, 1934, my number being 203, 578. I rose to the rank of Sturmbannfuhrer in the Waffen SS. In November 1939 I was inducted into the Waffen SS and was assigned to the SS unit of the Hospital at Hohenlychen as a physician. I remained at Hohenlychen until June 30, 1941. Dr. Karl Gebhardt was my superior.

3. On June 30, 1941 I was transferred to the Bodyguard Adolf Hitler, and on December 20, 1941 was re-transferred to Hohenlychen as Assistant Physician to Dr. Karl Gebhardt. I remained there until May 10, 1943. I was then transferred to the 10th SS Division as Chief Surgeon of a Medical Company assigned to the 10th Panzer Regiment on the Western Front. In November 1943 I was transferred with the same unit to the Russian Front. In June 1944 I was sent to the Western Front in France, where I saw action until August 1944.

4. In August 1944 I was wounded and returned to the Hohenlychen Hospital as a patient. In December 1944 I was transferred to the University of Berlin and was assigned as physician to the Charity Hospital in Berlin. In April 1945 I returned to Hohenlychen as Assistant Physician to Dr. Karl Gebhardt. I remained at Hohenlychen until the end of the war." (Signed) Dr. Fritz Fischer.

Fischer was in the sulphanilamide experiments at Ravensbruck, the willing tool of his chief, the Defendant Gebhardt.

Next, we turn to the Defendant Oberhouser. While she was not a member of the SS, she worked within the SS Medical Service. First, as a doctor at the Ravensbruck Concentration Camp and then as assistant to the Defendant Gebhardt in the Hospital at Hohenlychen. Her affidavit is Document No. NO-683, which will be Prosecution Exhibit No-27.

"I, Herta Otterheuser, being duly sworn, depose and state:

1. I was born on May 15, 1911 in Cologne-on-the-Rhine, Germany. I studied



medicine at the Universities of Bonn and Duesseldorf and received my Doctorate in 1937.

2. From 1937 until December 1940 I was employed as an assistant physician at the Medical Clinic in Duesseldorf, and at the Skin Clinic in the same city.

3. I joined the League of German Girls in 1935 and held the rank of Block Leader. In May 1937 I became a member of the Nazi party. I was also a member of the Association of Nazi Physicians.

4. From December 1940 until June 1943 I was a skin specialist and camp physician at the Ravensbruck Concentration Camp. My superior until 1942 was Dr. Sonntag and thereafter Dr. Schiedlowsky.

5. From June 1943 until the end of the war I was assistant physician at the hospital in Hohenlychen. My superior was Dr. Karl Gebhardt."

(Signed) Herta Oberheuser.

Document No. 589, which will be Prosecution Exhibit No. 28, gives the personal history of the Defendant, Rudolf Brandt:

"I Rudolf Hermann Brandt, being duly sworn, depose and state:

1. I was born on 2 June 1909 at Frankfurt/Oder, Germany, and studied law at the Universities of Berlin and Jena. I joined the Nazi party in 1932, my party number being 1, 331,536. In October 1933 I became a member of the SS and was assigned the number 129, 771. In November, 1935 I was commissioned an Untersturmfuehrer (Second Lieutenant) and ultimately rose to the rank of Standartenfuehrer (Colonel).

2. On 11 December 1933 I became a member of the Staff of the Reichsfuehrer SS Himmler in the capacity of clerk. In 1936 I became Chief of the Personal Staff of the Reichsfuehrer SS. I remained in this position until the end of the war. In 1938 or 1939 I became Himmler's liaison officer to the Ministry of the Interior and particularly to the Office Secretary of the Interior. In 1943 when Himmler became Minister of the Interior, I was appointed Chief of the Ministerial Office in the Reich Ministry of the Interior.

3. I was a member of the Ahnenerbe Society. Himmler was President of the Ahnenerbe Society. On account of my position, I was liaison officer

to the Reich Secretary of the Society, Wolfram Sievers.

4. I was only absent from Himmler's office from 30 March, 1941, to 11 May 1941. During this time I fought with the Artillery Regiment of the Adolf Hitler bodyguard division in the campaign against Greece."
(Signed) Rudolf Brandt.

The position of Rudolf Brandt is shown on both charts in the same box with Himmler. By virtue of his position, as administrative assistant to Himmler, Rudolf Brandt played a very significant role in practically all of the crimes with which this case is concerned.

We turn now to the affidavit of the Defendant Joachim Mrugowsky, Document No. 723, which will be Prosecution Exhibit 29.

"I, Dr. Joachim Mrugowsky, being duly sworn, depose and state:

1. I was born on 15 August 1906 at Rathenow/Havel, Germany. I finished High School at Rathenow/Havel in 1923. From 1 April 1923 till the end of November 1923, I was a customs employee at Rathenow-Stentsch near Schwalbus. From 1 December 1923 to October 1925, I served as an apprentice at the Rathenow Bank Association. In the winter of 1925, I commenced the study of medicine at the University of Halle/Saale and finished with the State examination in 1931. During the time I was student at the University of Halle/Saale, I was head of the Nazi Student Group from November 1930 to June 1931.

2. In 1930 I joined the NSDAP. My party number was 210,649. On 15 November 1931 I joined the SS, my number being 25,811. During 1931 and 1932 I interned at the Kuestrin City Hospital and on 1 January 1933 became an Assistant at the Hygiene Institute of the University of Halle/Saale. From 1933 to 1935 I worked in the SD Sector 12 in Halle.

3. On 1 January 1937 I was promoted to the rank of Major and attached to the Waffen-SS as a medical officer on active duty. On 1 August 1937 I became battalion physician of the 1st battalion of the bodyguard Adolf Hitler in Berlin. In October 1938 I became a member of the Staff of the SS Medical Office of the Waffen SS in Berlin in the capacity of hygienist.

4. At the beginning of 1939 I founded the hygienic-bacteriological
extinction circle of the SS in Berlin. The purpose of this institute
was to



combat epidemics which broke out in the SS garrison troops of the Waffen SS. From October 1939 to November 1940, I was active with the 2nd Medical Company of the SS V-Division of the Waffen-SS on the Eastern Front. In November 1940 I was transferred to Berlin to aid in the combatting of epidemics by the over-seeing Waffen-SS. Under my direction, the hygienic-bacteriological examination circle was enlarged and renamed the "Hygiene Institute of the Waffen SS". I became Chief of the above named institute and remained in that position until the end of hostilities. Dr. Karl Gensken was the Chief of Division D in the SS Operational main office and my institute was attached to Department XVI of Division D. In April 1941 I was promoted to Lt Colonel in the SS and in June 1942 to the rank of Colonel in the SS.

5. On 1 September 1943 the Hygiene Institute of the Waffen-SS, of which I remained chief, was transferred to the Office of the Reichsrat SS and Police, Dr. Ernst Grawitz. I also became the Chief of Office III and was given the title Chief Hygienist. After 1 September 1943 the Hygiene Institute of the Waffen SS was no longer attached to Department XVI of Division D of the SS operational main office.

6. During the period from 1941 to 1944 I was also Hygiene Consultant to the Ministry for Eastern Affairs and I collaborated in the issuance of several decrees concerning the combatting of disease in the occupied territories in the East. Furthermore, I was a member of the Committee For Drinking Water Supply and Apparatus. In April 1944 I was promoted to Senior Colonel in the SS." (Signed), Joachim Kruckowsky.

The position of Kruckowsky is shown in the chart to the left, or rather in the chart giving the organization prior to August of 1943, under the defendant Gensken as chief of the Hygiene Institute of the Waffen SS. The Institute for Typhus and Virus research at the Buchenwald Concentration Camp was directly subordinate to Kruckowsky throughout the whole period with which we are concerned. The Department for Spotted Fever and Virus research at Buchenwald is shown on the first chart under the name of Kruckowsky.

Dr. Min, alias Schiller, who was Chief of the Institute at Buchenwald committed suicide following his capture by the Allied Forces. Fortunately, however, several affidavits were obtained from Dr. Min and he has also left us a number of documents, including a diary covering the period from 1941 until 1945, and these documents will provide the Tribunal with a detailed knowledge of the happenings during the typhus experiments at Buchenwald.

Shroowsky's interests were much broader than typhus research, however, and the Tribunal will find his name connected with other matters, not the least of which were the poison bullet experiments to determine how long it took to kill a man with poison bullets.

As I have previously explained in discussing the defendant Gensken, the Hygienic Institute of the Waffen SS was subordinated in August of 1943 to Grunitz, and this change is shown on the second chart.

We come now to the defendant Poppendick, another SS Doctor. His affidavit is Document NO-672, which will be Prosecution Exhibit 30.

"I, Dr. Helmut Poppendick, being duly sworn, depose and state:

"1. I was born on January 6, 1902, at Halle, Germany. From 1921 to 1926, I studied medicine at the Universities of Göttingen, Munich and Berlin. I passed my state examination in December 1926.

"2. I joined the M.S.D.A.F. on March 1, 1932, my number being 998607. I joined the SS on July 1, 1932, my number being 36345. I rose to the rank of Lieutenant Colonel (Obersturmbannführer) in the Allgemeine SS., and to the rank of Senior Colonel (Oberführer) in the Waffen SS. I was also member of SS Physicians Association (S.S. Ärztebund).

"3. During 1933 and 1934, I was Chief Physician (Oberarzt) at the Virchow Hospital in Berlin. From the beginning of 1935 until August, 1935, I was a member of the staff of the Kaiser-Wilhelm Hospital in Berlin. In August 1935, I accepted an appointment as Physician with the Main Race and Settlement Office (Rasse und Siedlungshauptamt) in Berlin. I was appointed Chief Physician (Leitender Arzt) of the office in 1941, and remained in that position until the end of the war."

This position of Poppendiek is shown on both charts under the Race and Settlement Office of the S.S., which is another one of the twelve main SS offices. Now, while Poppendiek was directly subordinated to the Chief of that main office, Grawitz had the authority to issue orders concerning medical matters, and this is shown by the broken line running from Grawitz to Poppendiek. (Continues reading).

"4. On August 27, 1939, I was called into the army as a Second Lieutenant (Resistenzitat) in the Medical Corps, and was promoted to the rank of Oberarzt. I was on active duty with the 18th German Army until 1941, at which time I was sent back to Berlin to resume my duty in the Main Race and Settlement Office (Rasse und Siedlungshauptamt.)

"5. In 1943, I was appointed Chief of the Personal Staff of the Reich Physicians SS and Police (Chef des persönlichen Stabes des Reichsarztes SS und Polizei) under Dr. Grawitz. I remained in this position until the end of the war, at the same time retaining my position as Chief physician (Leitender Arzt) in the Main Race and Settlement Office (Rasse und Siedlungshauptamt) until about autumn 1941." It says "41. I think that must be incorrect. In any event, following 1943 he still retained his position in the Main Race and Settlement Office, although at the same time he was subordinated to Dr. Grawitz and was head of the Personal Staff in that office.

At the time of the reorganization of the S.S. Medical Department in August, 1943, Poppendiek took his job as Chief of the Personal Staff of Grawitz, and as such, he held a position which I think is quite comparable to that held by Rudolf Brandt. In other words, Rudolf Brandt was the Chief of the Personal Staff or Personal Adjutant to Himmler, while Poppendiek held a comparable position to Dr. Grawitz, and as such, he also, as in the case of Rudolf Brandt, had a unique opportunity to see what was going on during the experiments on human beings in the concentration camps.

The Defendant Sievers was one of the key figures in criminal experimentation, although he is one of the few defendants in the dock who was not a physician. He has given us a very short affidavit which hardly justifies his

importance, and this is Document NO-570, and it will be Prosecution Exhibit 31.

"I, Wolfram Sievers, being duly sworn, depose, and state:

"1. I was born at Hildesheim, Germany, on 10 July 1905. I joined the Nazi Party in 1929. At the beginning of 1931 I resigned. I joined again again in 1933. My party number was 154,983. I joined the S.S. in 1935, my number being 275,325. My last rank was Standartenfuhrer -- the equivalent rank being Colonel in the United States Army.

"2. On 1 July 1935, I became a member of Hitler's personal staff and General Secretary (Generalsekretar) of the Ahnenerbe. I served in this position until the end of the war. The Ahnenerbe was charged with certain tasks of scientific (geisteswissenschaftlichen) research by order of the Reichsfuhrer SS.

"3. In June 1943 I was appointed Deputy to the Head of the Managing Board of Directors of the Reich Research Council. My superior in this capacity was Dr. Dietrich, Head of the Managing Board of Directors of Reich Research Council." Signed, Sievers.

The Ahnenerbe Society, of which Sievers was the Reich Business Manager, will be frequently mentioned during the course of this trial. It is shown on the lower righthand side of both of the charts now before the Tribunal and his responsibility extended directly to Heinrich Himmler, who, incidentally was President of the Ahnenerbe Society.

I would like to introduce at this point Document NO-303, as Prosecution Exhibit 32 which gives photographs of the Ahnenerbe and a description of its functions. This document shows in a sort of small chart at the top something of the organization of the Ahnenerbe Society. This document is not dated. I suspect that it shows the organization as it existed more or less around 1938. At the top we see the President, the Reichsfuhrer-SS, Heinrich Himmler. Under him as the Trustee is Dr. Dietrich, and to the right is the Reich Business Manager, Wolfram Sievers. So far as I know we are not particularly interested in any of the men who are listed in the Reich Business Management. However, the statement in this document as to the task and

purposes of the Ahnenerbe, I think, is rather interesting, and it reads as follows:

"The task of the Research and Instruction Group 'The Ahnenerbe' is investigation of space, spirit, accomplishments and heritage of the Indogermanic peoples of nordic race, the vivification of the results of their research and their transmission to the people." Then it lists down below a number of things which they should do.

The Ahnenerbe Foundation was apparently something in the connection of a separate corporation, so to speak, which in effect collected donations from various people and supported the Ahnenerbe Society with those donations.

Now, it may strike the Tribunal as strange that this organization, which was concerned with the research as to the capacity, spirit, accomplishments, heritage of nordic racial Indogermanism should become involved in criminal experiments on living beings. However, with the advent of war Hitler's interest in glorifying the great German nordic race was to a certain extent, at least, sublimated by the desire to make available for military medical research some of the thousands of non-nordic inmates of concentration camps who, as he put it, in a document which will be submitted to the Court, "deserve only to die". Thus, in July of 1942 Sievers was ordered to establish an Institute for the Military Scientific Research within the Ahnenerbe and as proof of that, I now offer Document NO-422, which will be Prosecution Exhibit 33.

This document is dated 7 July 1942 and comes from the Operational Headquarters, sent by the Reichsfuehrer SS Hitler. It is headed: "Secret: to the Reichsmannager of the 'Ahnenerbe' SS Obersturmbannfuehrer Sievers. I request the 'Ahnenerbe' 1. to establish an Institute for Military Scientific Research; 2. to support in every possible way the research carried out by SS Hauptsturmfuehrer Professor Dr. Hirt and to promote all corresponding research and undertakings; 3. to make available the required apparatus, equipment accessories and assistants, or to procure them; 4. to make use of facilities available in Dachau; 5. to contact the Chief of the SS Economic and Administrative Main Office (Wirtschaftsverwaltungshauptamt)

with regards to the costs which can be borne by the "affen SS." and the signature is the initials of Heinrich Himmler. Copy was mailed to the Chief of the Economic and Administrative Main Office which was headed up by SS Obergruppenfuhrer FOHL with a request to take note, by the order of Brandt; that is Rudolf Brandt, SS Obersturmbannfuhrer.



(Mr. McHaney continuing)

I previously told the Court that the Economic and Administrative Main Office had control over concentration camps following the early part of 1942, so these orders will constantly be brought to the attention of this Economic and Administrative Main Office; and as you see here, they were also to defray the costs of supporting this military scientific institute for research. As the proof develops, the significance of the reference made in this document to the research of Dr. Hirth will become crystal clear to the Tribunal. He was the distinguished scientist who, among other things, infected living human beings with Mustard gas, who engineered with the assistance of Sievers the selection and execution of 113 Jews for a skeleton collection at the University of Strasbourg.

I submit at this point for judicial notice by the Tribunal, the findings of the International Military Tribunal with respect to the Ahnenerbe Society. Since this was quoted by General Taylor in his opening address, it is unnecessary for me to repeat it here. I think, Your Honor, that this document probably should not take an exhibit number inasmuch as the Tribunal is required by Article 9 of Ord. No. 7 to take judicial notice, and we are herewith complying with the request with a written copy of it, and it is certified by Colonel John E. Ray, who is the Secretary General of the International Military Tribunal, and who is still in Nurnberg, to be a true and correct excerpt from the official English transcript of the Judgment, and this appeared of pages 16,952 and 53. Your Honor will recall from General Taylor's statement that the Ahnenerbe was connected with extensive experiments involving the use of living human beings, and it also holds that attached to this institute was Dr. Fischer about whom we will hear more in a few moments; and that the Ahnenerbe was subsidized by Reichsfuehrer SS who was a trustee of the Foundation.

We turn now to the personal affidavit of the defendant Brack, which is Document D-920 and will be Prosecution Exhibit 34.

"I, Victor Hermann Brack, being duly sworn, depose and state:

"1. I was born in Haaren, Germany, on November 9, 1904. In 1923 after my graduation from High School, I studied economic science at the 'Technische Hochschule' — that is, I am sure, technical high school — in Munich where I graduated in 1928

with a diploma in Economic Science. 1923-1927 member of artillery unit of the SA Regiment in Munich.

"2. In December 1929, I joined the NSDAP and at the same time the SS. My party number was 173,388 and my SS number 1940. In the summer of 1932, Philip Bouhler, then Reich Business Manager of the NSDAP appointed me to full time service in the 'Brown House' in Munich. During 1933, I acted as adjutant with the title of Stabsleiter to Bouhler, who was Reich Business Manager of the NSDAP in Munich. In 1934, Reichsleiter Bouhler was appointed Chief of the Chancellery of the Fuehrer of the NSDAP in Berlin, and I was transferred with him.

"3. In 1936 I was placed in charge of Office 2 in the Chancellery of the Fuehrer in Berlin with the title of Reichsamtseleiter. Office 2 examined complaints which came from all sections of the population and concerned all possible problems. Later, I received the rank of Oberstenleiter. I also acted as Bouhler's deputy in Amt II. In this capacity my duties were of an administrative nature since I was personnel representative of Bouhler. I made various service trips for him and took care of all of Bouhler's special tasks. These consisted, among other things, of subsequent examinations in the Gaus; these subsequent examinations were independent of the inspections made by Bormann's office. All during this period from December 1929, I was active in the SS. On 30 June 1934, I received the 'Death Head Ring' SS. On 7 January 1935, I was promoted to Sturmbannfuhrer and on 20 April 1936 to Obersturmbannfuhrer. On 12 September 1937, I was promoted to the rank of Standartenfuhrer; and on 1 November 1937, I was transferred to the Staff of the Main Office of the SS. On 11 November 1940, I was promoted to the rank of Gruppenfuhrer.

"4. By reason of this position and because of my personal contact with Bouhler, I obtained far reaching knowledge of the activities in which Bouhler and various other personalities participated. From time to time, I had discussions with Bouhler and other persons concerned with activities which my office was concerned. I read most amount of correspondence addressed to Bouhler, received orders from him and in numerous instances I personally handled, on my own initiative, various details of the particular matters involved.

"5. In September 1939, Hitler issued the 'Euthanasia' order to Bouhler and Brandt, charging them with the responsibility of enlarging the authority of different, responsible physicians to the end that certain incurable persons might be accorded a mercy death. I became Bouhler's liaison man to the doctors involved in the 'Euthanasia' program. These included Dr. Linden, Prof. Hayde, and Prof. Matache. Also in my capacity, as chief of Department 2 of Bouhler's office, I was ordered to carry out the administrative details of the 'Euthanasia' program. My deputy was Werner Blakenburg who later became my successor." Signed Victor Brack.

It may be seen from this affidavit that Brack was primarily a Nazi Party functionary in the Chancery of the Fuehrer; and his activities in connection with the Euthanasia and sterilization experiments, that will concern us most here. His immediate superior, Phillip Bouhler, who, with Karl Brandt, was charged by Hitler with carrying out the Euthanasia program, committed suicide shortly after the end of the war.

The last of the defendants in the SS group is Hoven. His affidavit is Document X-591 which will be Prosecution Exhibit 35.

"I, Dr. Waldemar Hoven, being duly sworn, depose and state:

"1. I was born in February 1903 at Freiburg, Germany, and attended school in Breisgau. From 1919 until 1921 I visited in Denmark and Sweden. Late in 1921 I went to the United States of America, where I stayed for three years. In 1924 I returned to Germany and worked as my father's secretary at his sanatorium until 1930. In 1930 I went to Paris where I worked for two years as secretary to a correspondent of the Harst Press, Baron de Mayer.

"2. In 1933 I returned to Germany. I completed my high school studies at the age of 32 and commenced the study of medicine. In 1939 I concluded my medical studies at the University of Munich as was immediately inducted into the Waffen SS.

"3. I joined the Nazi party in 1937. I do not remember my number. I joined the SS in 1934, my number being 995594. I rose to the rank of Hauptsturmfuehrer (Captain) in the Waffen SS.

"4. In October 1939, after I had completed my training in the Waffen SS, I was ordered to report to the Buchenwald Concentration Camp. From the beginning of 1941 until July 1942 I was ~~camp doctor at the p. camp at Buchenwald,~~ and from July 1942 until September 1943 I was Chief Physician at the prison camp in Buchenwald." Signed: Waldemar Hoven.

Hoven's position is not shown on the chart because he was a concentration camp doctor and obviously it is possible to include any representative number of those. We shall hear of his activities primarily in connection with the typhus experiments at Buchenwald and in connection with the Euthanasia Program.

The defendant Pokorny should be considered in connection with the SS although he was not a member of that organization. He was the man who had the brilliant idea of sterilizing, by means of drugs, millions of Russian prisoners of war in order, as he put it, that the enemy be not only conquered but destroyed. This proposal was made by Pokorny to Himmler, and the Prosecution will prove that intensive efforts were made to accomplish this monstrous plan. The affidavit of Pokorny is Document D-770 which will be Prosecution Exhibit 36, and it reads as follows:



"I, Dr. Adolf Rudolf Pokorny, being duly sworn, depose and state:

1. I was born 26 July 1895 in Vienna. In 1915 I entered the Austrian Army and rose to the rank of Sanitäts-Leutnant, a Lieutenant in the Medical Service. In 1916 I commenced the study of Medicine at the German University in Prague. I received my doctorate in 1922 and became a member of the staff of the German Skin Hospital in Prague. In 1924, I commenced private practice of medicine in Komotau. I specialized in the treatment of skin and venereal diseases.

2. In 1942 I was inducted into the German Army and assigned to the Reserve Hospital with the rank of Oberarzt. In 1944 I was placed in charge of the hospital for venereal disease in Eichenstein-Ernstthal and promoted to the rank of Stabsarzt. I remained until fourteen days before the end of the war, and then I was transferred to Lichtenstein in Saxony in the same capacity, where I remained until the end of the war."

This completes the presentation as to the positions of the SS defendants with a few defendants such as Oberhauser and Pokorny who were not members, but who were in some way connected with them. Last, but certainly not least, is the Defendant, Blase. His affidavit is Document D-675 and will be Prosecution Exhibit 37. It reads as follows:

"I, Kurt Blase, being duly sworn, depose and state:

1. I was born on 31 January 1894 in Siedelsfeld, Germany. In 1912 I was admitted from Gorkum and studied medicine at Göttingen. In 1914 my studies were interrupted by World War I, but I returned to my medical studies in 1919 and finished them at the Rostock University in 1920. During the war I served in the Medical Corps of the German Army. The highest rank I attained was that of a Lieutenant.

2. From 1920 until 1924 I was an assistant on the medical faculty at Rostock University. From 1924 until 1934 I engaged in the private practice of medicine in Rostock.

3. I joined the NSDAP in 1931 and later held a rank of SA Medical Hauptsturmführer. In 1943 I was awarded the German Army Cross.

4. After several years of private practice I was called to Berlin in

1934 by Dr. Gerhard Wagner, Reich Health Leader where I was active as adjutant in the Central Office of the German Red Cross. In 1935 I began my main task, namely to organize the German Medical Educational System.

5. In 1934, in conjunction with my duties as adjutant in the Main Office of the German Red Cross, I was also appointed business manager of the Reich Physicians Association. I held this position until the end of the war.

6. In 1938 I became President of the Bureau of the Academy for International Medical Education. In 1939 I became Deputy to Dr. Leonhard Conti, Reichsgesundheitsführer or Reich Health Leader and successor to Dr. Wagner. I represented Dr. Conti in his capacities as:

- a) Leader of the Reich Physicians Association.
- b) Nominally as head of the Main Office for Public Health of the Party.
- c) Nominally as leader of the National Socialist Physicians Association.

7. From about 1941 until the end of the war I was a member of the Reich Research Council. In 1943 I was appointed Plenipotentiary for Cancer Research which was allied with the research Commission for Protection against Biological warfare. I held those positions until I was taken prisoner by the Americans.

(signed) HUNT GLOVE



It is apparent from reading this Affidavit that Glone was an ardent Nazi from an early period. As he states, one of his main tasks was to organize the German medical educational system. This afforded him the opportunity to inculcate in such young medical students as the Defendant, Haven, the perverted doctrine that the ill-conceived love of thy neighbor had to disappear, especially in relation to inferior or racial creatures. Such doctrines were taught at the Führer School of the German Physicians at Althaus in Backlebur which was organized by the Defendant, Glone. Attendance at this school became compulsory and had to be attended for several weeks annually for five-year periods. Certainly it is not strange to find men of such beliefs associated with the extermination of peoples afflicted with tuberculosis and so-called mental illnesses.

It should also be noted that Glone was business manager of the Reich

Physicians Association and that he represented Conti in his capacity as the
Fuehrer of this Association. All physicians in Germany except those on
~~staff~~ ~~who~~ were subordinate to the leader of the Reichs Physicians
Association.

Is it not clear that a man with the influential position of Blum could
have done much to prevent the criminal activities of the German physicians
and scientists about which this case is concerned. The Prosecution will prove
that it was not lack of knowledge of these experiments which explains the
inertia of Blum. Indeed, the proof will show that he actively participated
in several experiments, not to mention the unspeakable extermination of persons
afflicted with tuberculosis. His activities in the field of biological warfare
under the cover name "Cancer Research" will also be brought to the attention
of the Tribunal.

In closing this part of the presentation, I think it would be appropriate
to introduce several documents with respect to the Reich Research Council.
Of the defendants in the dock, Karl Brandt, Blum and Sievers were members of
the Reich Research Council. Rostick acted as an alternate to Karl Brandt, and
you will remember that in the chart showing the organization of the Reich
Commissioner for Health and Medical Services that the Reich Research Council
was one of the institutes over which the Defendant, Rostick, had control by
virtue of his position as head of "Karl Brandt's office for science and re-
search. What kind of an organization was this Reich Research Council? What
were its purposes? First, let's look at Document NO-394 which will be Pro-
secution Exhibit 38. This is the Fuehrer's Decree of 15 June 1942 concerning
the Reich Research Council, and is taken from the Reichsgesetzblatt, Part I,
1942, Par. No. 64, the Decree of the Fuehrer on the Reich Research Council
of 9 June 1942:

"The necessity to expend all available forces to highest efficiency in
the interest of the state requires, not only in peace time but also, and
especially, in war time, the concentrated effort of scientific research and
its cannollization toward the goal to be aspired.

"Therefore, I commission the Reich Marshal Hermann Goering to establish as an independent entity a Reich Research Council, which is to serve this purpose, to take over its chairmanship himself and to give it a charter.

"Leading men of science above all, are to make research fruitful for warfare by working together in their special fields. The hitherto existing Reich Research Council which was under the Reich Minister for Science and Education is to be absorbed by the new organization.

"The means needed for research purposes, are to be established in the Reich budget as far as they will not be raised from contributions (for research) of circles interest in research.

Fuehrer Headquarters, 9 June 1942."

signed by the Fuehrer, Adolf Hitler, and by the Reich Minister and Chief of the Reich Chancellery, Dr. Lammers.

In order to amplify somewhat the organization of the Reich Research Council, we have secured an affidavit from one of the non-defendant members of that organization, and I refer to the affidavit of Werner Osenberg which is Document NO-697 and which will be Prosecution Exhibit 39.

"I, Werner Osenberg, being duly sworn, depose and state: —



DR. SEWATIUS: Mr. President, the witness Osenberg is at present located here in the prison and could be heard orally. The presentation of an affidavit is probably not appropriate in a case when a witness can be called in person. On that basis, I object to the presentation of the document. The reason for this is that we might be able to take the witness into the cross examination and we can not do that if the testimony is given in the form of an affidavit.

THE PRESIDENT: We will hear from the prosecution.

MR. McHANEY: If the Tribunal please, it is true that Osenberg is now in the Nurnberg jail. However, the availability of a witness does not necessarily determine at all, under Ordinance No. 7, the admissibility of affidavits. This affidavit is rather perfunctory. It explains very generally the functions of the Reich Research Council; with certain appendages attached to it, it gives the Tribunal some idea of the matters with which this organization was dealing, and I think that it is not necessary nor appropriate to take up the time of the Tribunal in calling a witness of this character.

THE PRESIDENT: On what page of the volume that you handed us is this affidavit found?

MR. McHANEY: Page 70, or 72 perhaps.

THE PRESIDENT: Page 70, I see.

MR. McHANEY: If the Defense desires to call Osenberg to amplify upon such remarks as he makes in this affidavit, they are quite at liberty to do so.

THE PRESIDENT: The Tribunal will take its afternoon recess and announce its decision when we return.

(A recess was taken)

THE PRESIDENT: The Tribunal is of the opinion that the objection ~~should be sustained as the witness is apparently hostile~~ if the affidavit should be admitted in evidence and the defendants thereby deprived of an opportunity to cross-examine the witness, it will be extremely unfair. The affidavit merely states in some places matters of opinion in any event, and the Tribunal is of the opinion that it would have very little probative value in any event. The objection as to the admission of the affidavit is sustained.

MR. McHANEY: Your Honor, we will not call the witness Osenberg to the stand. If the defense wishes to call him and make him a defense witness they are at liberty to do so. I will, therefore, proceed to Document 002-PS which will be Prosecution Exhibit 39.

THE PRESIDENT: What is the number of that document? My book is unbound. I cannot find some of these documents.

MR. McHANEY: That should be on page 76 of the Document Book. It is 002-PS. That is the first page of the document.

THE PRESIDENT: Describe that document again, if you will.

MR. McHANEY: Document 002-PS.

THE PRESIDENT: Page 76?

MR. McHANEY: Page 76, by mistake in poor translation of this document it was included in the English Document Book before the Court, and we would like to submit for inclusion a new document book now, the corrected translation of Document 002-PS, and this will be Prosecution's Exhibit 39. We have been discussing the Reich's Research Council. We have seen what kind of an organization this was from the Fuhrer's Secret, and we have seen that its purposes were the centralization of scientific research in Germany for the purpose of aiding the war effort. That will come out in more detail during the course of the trial, but I would now like to read

several excerpts from 002-23. These documents show that the Reich's Research Council approved a grant of money to the Medical Service of the SS on the ground that the SS had experimental material, namely concentration camp inmates which was not so readily available to other research organizations. If your Honor will look on page 8 of the new document, which has been handed up, I would like to read parts of this letter which is dated 19 December 1942. It is from the Reichsminister of Finance directed to the Reich's Research Council to the attention of Ministerial Director, Professor Dr. Daniel, whom, you will recall, was the direct superior of the defendant, Siemers, in the Reich's Research Council. I will point out, however, that Siemers, as I recall, did not become a member of the Reich's Research Council until June 1943, whereas the letter which I am now reading is dated 19 December 1942. The letter reads as follows in parts:

"The Reich Physician SS and Police has requested 53 key positions (ranks GS to CB) for the new organization of his office. The organizational plan shows that not only special consultants for "research" in the pharmaceutical and chemical, the dental and the clinical fields, and a special department for scientific service are considered for the staff of the Reich Physician SS and Police itself but establishments are also requested for a group of institutes which likewise are essentially engaged in research tasks."



The letter then enumerates the institutes which have been asked by Grawitz, the Reich Physician SS. The next paragraph reads:

"In the budget discussions the fact was referred to, that establishments for research institutions of the Waffen SS can only be granted if the research tasks started by the Reich Physician SS are not undertaken by other independent institutes or the Universities or belong under them. According to the plan available to me the Hygiene Institute comprises seven departments."

and then the letter lists the seven departments which I shall not read.

"As to other institutes I still lack accurate information. I have postponed the decision on this chapter of the budget. Referring to the decree of the Fuehrer of 9 June 1942 and the necessity stressed therein to concentrate the efforts of scientific research I ask you to give me your opinion immediately. Signed Dr. Banzel, Reich Ministry of Finance, Ministerial Chancellery."

In other words, the budget department has here addressed a letter to Dr. Banzel asking him whether or not other research institutes in Germany are carrying out research tasks for which the Reich Physician Grawitz is now asking him for money.

We turn then to page 6, which is the reply to the letter of 19 December, and although it apparently is not signed, it presumably was written by Banzel the Head of the Executive Council of the Reich Research Council, and it was directed to the Reich Minister of Finance.

"In your letter of 19 December concerning the taking over of research tasks by the Reich Physician SS and since you asked for the positions of the Reich Research Council in this matter. Since, for the present, the activities of the Reich Research Council have been concentrated on the armament sector proper I was not in a position to clear up the problems connected with the medical sector. But I shall do this in the near future and I believe I am able to say already that the larger part of the new institutes requested by the Reich Physician SS and Police will be unnecessary since other institutes will be able to take over the tasks planned. In the near future I shall have a talk with the Reich Physician SS and Police to discuss details

of the work planned and I shall inform you of my final position in due time. Therefore I would like to suggest to defer decision on the matter. In this connection I should like to say that the Reich Chief for Public Health, State Secretary Conti, has approached the President of the Reich Research Council requesting funds for the establishment of a Reich Institute for Virus Research in Frankfurt/Main. Checks up to now could very well be carried out in the Kaiser Wilhelm Institute at Berlin-Dahlem and in the Institute for Medical Research of the University of Strassburg."

Now, I call the court's particular attention to the reference to the institute at Strassburg. That is Dr. Hodgson, subordinate of the defendant, Schroeder, the man who received orders from the defendant, Becker-Freytag, who carried out the decisions of the Fuehrer which were not only done at Strassburg, but at the close by Concentration Camp of Natzweiler. Experiments with virus killed number of concentration camp inmates there. Continuing back to page 5 we find a letter from Muesel to SS-Gruppenfuhrer Professor Doctor Grawitz stating in effect that "The Reich Minister of Finance has informed me that you request money for these 53 key positions to your office." He goes on to state that "After the Reich Marshal of the Greater German Reich has, as President of the Reich Research Council, taken over the entire German scientific research directives have been issued by him to the effect that, in connection with the carrying out of our important scientific tasks the available institutes, including equipment and personnel, be utilized to capacity for reason of necessary economy of effort. The establishment of new institutes therefore is to be considered only insofar as there are no suitable institutes available for the carrying out of our important research tasks. As your intentions are not known to me and since I cannot get a clear picture from the list of institutions which are planned to be newly established, given by the Reich Minister of Finance, I should be grateful to you if you further explained your plans and intentions. I will gladly be available to anyone of your co-workers for a discussion and would also be willing to call on you in person. Please let me know when and where this discussion should take place."

This letter is dated — I don't see a date on it. In any event it was around the early part of 1943, and I would say parenthetically that Mensel would have had no necessity of writing this letter to Grawitz to find out this information if at that time the defendant, Schroeder, had not been his subordinate, but that occurred a few months later and so we have Mensel having to get this information from Grawitz himself. Reading from a letter which is on page 2 of the translation, dated 26 February 1943 from the Reich Physician SS and Police it refers to the previous letter of February 19, 1943, and is to the Head of the Executive Council of the Reich Research Council, Ministerial Director Wentzel.

My dear Ministerial Director: In acknowledgment of your letter of 19 February 1943 I am able to reply the following today. The appropriation for the 53 key positions for my office which you made the basis of your memorandum was actually a plan for peace time. The special institutes of the SS which partly are to be staffed through this appropriation are to serve the purpose of establishing and make accessible for the entire field of scientific research, the particular possibilities of research only possessed by the SS. In view of the further developments of this war I have, however, already postponed this plan for the time being on the occasion of the negotiations with the Reich Ministry of Finance last year, so that my authorized personnel was reduced to 25 key positions. Of these positions only 5 are filled at present. Under these circumstances your misgivings with regard to an impracticable duplication of work of scientific institutes will certainly be invalid for the duration of the war. I will gladly be at your disposal at any time to discuss the particular research lines within the framework of the SS, which upon the direction of the Reichsfuehrer SS, I would like to bring up after the war. Besides I attach importance to the fact that these research tasks, once their realization is possible, will be carried out in close connection with the other pertinent research lines. Hoping to have been of service to you by this provisional exposition, I remain with best regards and Heil Hitler, Yours. Signed Grawitz."

and finally we have on page one of the translation a letter from Montzel-- the problem has been resolved. He has found out both by these letters and perhaps by personal contact with Grawitz that his request for money from the Minister of Finance is more than justified. So, as head of the Security Council, he directs this letter of 25 March 1943 to the Reich Minister of Finance:

"In regard to your correspondence of the 19th of December to which I gave you a preliminary communication on the 19th of February, I finally take the following position:

"The Surgeon General-SS and Police, in a personal discussion, told me that the budget claim which he looks after is used primarily in the pure military sector of the Waffen SS. Since it is established on a smaller scale for the enlarging of scientific research possibilities, they pertain therefore exclusively to such affairs that are carried out with the material which is only accessible to the Waffen SS and are therefore not to be undertaken for any other experimental purpose.

"I cannot object therefore on the part of the Reichs Experimental Council against the budget claims of the Surgeon General, SS and Police" said Montzel.

If your Honor, please, this is one of the research organizations which the defendant Karl Brandt with his alternate Paul Hestock, defendant Sievers, the defendant Blume, occupied important positions. And we find that information has brought in in a very direct manner to them as to the greater research possibilities which are available to the SS. I also wish to stress the point that this document indicates that the Reich Research Council was consulted-- an expert organization where information could be obtained by medical and scientific research in Germany as a whole. I also would like to remind the Tribunal that on the chart, organization of the office of the Reich Commissioner for Health and Medical Services, the Reich Research Council is one of the organizations over which Hestock had scientific and medical jurisdiction. In further reference to the Reich Research Council, I wish to call to the Tribunal's attention a finding in the judgment of the International Military Tribunal in Case No. 1. This excerpt has been inserted as being true and correct signed John E. Roy, Secretary General of the International Military Tribunal, and that it appears on page 16955 of the official English transcript. This excerpt, your

senior, appears on page 85 in the English document book. It is the last document in the book. It reads as follows:

"In connection with the administration of the concentration camps, the SS carried on a series of experiments on human beings which were performed on prisoners of war or concentration camp inmates. These experiments included freezing to death, and killing by poison bullets. The SS was able to obtain an allocation of Government funds for this kind of research on the grounds that they had access to human material not available to other agencies."

Your Honor, please, this is being submitted in order that you may take judicial notice of it under Article 9, Ordinance Number 7. The document 002-43 was the upproof and evidence which underlies the finding which I have just read you.

If it pleases the Tribunal, we have now completed our presentation on the personal histories and the positions held by the defendants in the document. We feel that we laid the foundation in order that we may now proceed to the proof on the subsequent crimes themselves. And, I therefore, come to the presentation of evidence on the high altitude experiments carried out in the Dachau Concentration Camp in the spring and summer of 1942.

This is the first experiments and the list of those charged in the indictment. First, under Paragraph 6, under War Crimes, and also under Paragraph 11,



Crimes against Humanity.

THE PRESIDENT: Before you proceed Counsel, I notice in this book of documents, that your document 002-18 is included on pages 75 to 80 inclusive. Then the excerpt that you mentioned, signed by Colonel Ray, is on page 85. Now, are there any pages omitted from this copy or is it a complete statement that jumps from page 80 to 85. It may not be important, but I would like to be satisfied on this point.

MR. LERNEY: Yes, indeed, your Honor, I want to be sure you have received a full copy of the document.

THE PRESIDENT: The document is included in 7 pages, from page 74 to page 80.

MR. LERNEY: All, your Honor, has been supplied with the correct English translation of 002-18.

THE PRESIDENT: Then those pages were not included. I was confused with the non-consecutive numbering of the pages, but that probably is unimportant.

MR. LERNEY: That may very well have occurred, your Honor.

THE PRESIDENT: Very well, proceed.

MR. LERNEY: The Defendants, Karl Brandt, Handloser, Schneider, Gubhardt, Adolf Brandt, Krugowsky, Toppensick, Sievers, Ruff, Rosenberg, Becker-Freysong, and others, are charged with special responsibility for and participation in the High Altitude Experiments at Dachau.

If your Honors will obtain document book Number 2, you will find that contains the English translation of the documents which will be introduced under this part of the case.

THE PRESIDENT: We do not seem to have that document book here.

MR. LERNEY: I am advised by Mr. Hardy that he delivered the English document books.

THE PRESIDENT: They were delivered but they were not brought to the bench. We have them in the other room, and we can get them.

MR. LERNEY: Would you care to adjourn for a few moments or should I proceed?

THE PRESIDENT: We shall have them in a moment.

(The documents were delivered to The President.)

THE PRESIDENT: Proceed, please.

MR. MORSEY: I would like to introduce first document D-40-476, Prosecution's Exhibit 140. This is an affidavit signed by the defendant Rosenberg, and it reads as follows:

"I, Hans Wolfgang Rosenberg, being duly sworn, depose and state:"

"The first paragraph, your Honor, I will not read since it simply presents the personal history, which evidence has all ready been obtained from the earlier statement. The second paragraph.

"From about the first part of March 1942 to about the end of May 1942 experiments were conducted at the Dachau Concentration Camp to determine the effects of extreme high altitudes on the human body. These experiments were conducted for the benefit of the Luftwaffe. Dr. Ruff was first approached to assist in the high altitude experiments at Dachau by Dr. G. M. Volts, Chief of the Institute for Aviation Medicine in Munich. This was in December 1941 or January 1942. Dr. Volts advised Ruff that Dr. Sigmund Rascher, doctor in the Luftwaffe and also a member of the SS, was to perform the high altitude experiments. Volts wanted an expert to work with Rascher on these experiments.

3. In January or February 1942 Volts, Ruff, Rascher and I had a meeting at Volts's Institute in Munich to discuss arrangements for the experiments. Dr. Volts introduced Rascher to us at that time. A few days later a second meeting was held in the Dachau Concentration Camp and this was attended by Volts, Ruff, Rascher and myself as well as Piarkowski, who was the camp commander, and Schnitzler, who was on the staff of the Reichsfuehrung-SS. Further arrangements were made at this time for carrying out the experiments.

4. "A low pressure chamber was sent from the DVL in Berlin." And, if I may insert emphatically, your Honor, that is the institute in which Doctors Ruff and Rosenberg were working. Ruff was the Chief of the Department for Aviation Medicine in DVL.

"A low pressure chamber was sent from the DVL in Berlin first to Volts's Institute in Munich and from there to Dachau. This chamber could duplicate

atmospheric conditions and pressures prevailing at high altitudes. It consisted of two parts, one of which was used for slow ascensions and descensions and could accommodate as many as twelve people at a time, while the other was used for explosive decompression and could accommodate only one or two people. This low pressure chamber was set up in one of the blocks at the Concentration Camp and the experiments were conducted on Concentration Camp inmates. The experiments actually started around the first part of March and the initial experiments were conducted on twelve prisoners. Then prisoners were requested, we asked that they be in a physical condition which compared with members of the Luftwaffe. The experimental subjects were tested in either the large or small part of the chamber, usually one at a time, and their reactions to high altitudes were checked with an electrocardiograph. Four series of experiments were conducted:

- a. Slow descent without oxygen.
- b. Slow descent with oxygen.
- c. Falling without oxygen.
- d. Falling with oxygen.



The latter two tests were designed to simulate a free fall from an airplane before the parachute opens. Several tests were from time to time conducted on the same experimental subject.

"5. The experiments lasted until approximately the end of May. During this time I was living at Dachau and, with the exception of several trips to Berlin, I was in Dachau for the whole course of the experiments. On my trips to Berlin I reported to Dr. Ruff as to the progress of the experiments. I remember that Dr. Ruff visited Dachau on at least two occasions when he observed the experiments. Dr. Ruff and I worked at the experimental station at Dachau as representatives of the German Experimental Institute for Aviation (DVL)".

"6. I witnessed the death of three of Dr. Rascher's human experimental subjects during the experiments. The first death occurred in the latter part of April. On this particular occasion I was studying the electrocardiograph of the ~~the~~ experimental subject then being tested. After the death of this human experimental subject, I raised objections to Rascher and also informed Ruff concerning the matter. Thereafter two other deaths occurred on different days in May I also reported those to Dr. Ruff. I know that other experimental subjects were killed while I was not present, and would estimate that they totalled between five and ten.

"7. After a human experimental subject died as a result of the low pressure experiments, an autopsy was performed. The purpose of this was to determine the exact cause of death. Once to my knowledge the autopsy was performed under water in order to observe the air bubbles which might have formed in various parts of the human experimental subject's body. I have been shown pictures (numbered 1, 2, and 3), which show an open section of the brain of the body and also a dissected portion of the breast. Autopsies of this character were performed in Dachau on experimental subjects who died during the low pressure experiments; and I assume that those pictures are photographs made of such subjects. I know that photographs were made of the autopsies at Dachau.

"8. I have been shown a series of other pictures which show persons undergoing experiments in a low pressure chamber. Of these I recognize the pictures numbered 1-, 2-, 3-, and 4 as being photographs made during the course of the low pressure experiments conducted in Dachau. I suppose that the other pictures numbered 5, 6, 7, 8, 9, 10, 11, 12, and so on consecutively through 37, and 45 were also made at Dachau, although I do not know. I do not know of any low pressure experiments on concentration camp inmates other than those made at Dachau. After the low pressure experiments were completed, Dr. Rascher and I made a report which was approved by Ruff and signed by the three of us. This was circulated to all interested offices in the Luftwaffe. In my opinion, Dr. Anthony of the Medical Service of the Luftwaffe must also have received a copy of this report. I do not remember if Becker-Freyson was with the Medical Inspectorate at that time; but if he was, he certainly knew that these experiments were being conducted. Wolfram Sievers of the "Ahnenerbe"

ociety of this SS was also familiar with these experiments and was in Dachau several times when they were being conducted. I myself saw him there once at the experiments station. Milch and Hippike were also quite familiar with these experiments. Dr. Oskar Schroeder was the second highest ranking medical officer in the Luftwaffe in 1942; and he also probably knew of these experiments, although I never personally talked to him about them.

"10. No one in the Luftwaffe ever made any objection concerning these experiments. Dr. Woltz certainly never expressed any moral scruples against these high altitude tests since it was he who originally asked Dr. Ruff and me to assist Dr. Rascher. (Signed) Dr. Rosenberg."

I have no comment to make on this affidavit except with respect to the position of the defendant Becker-Freysang at this time; and I will remind the Court that an affidavit of Becker-Freysang, submitted this morning shows that he was as early as autumn of 1941 a subordinate of Dr. Anthony in the Department for Aviation Medicine in the Medical Inspectorate of the Luftwaffe.

I would also point out that experiments of this type, namely, the study of extreme high altitudes on the human body, is a subject which fits in with the work being done by the Department for Aviation Medicine. It is a problem of aviation medicine.

If your Honor please, I would now like to introduce a series of pictures which are included in Document NO-610; and we offer these as Prosecution Exhibit 41. These are the pictures among which the defendant Rascher has definitely identified pictures numbered 1-4, 2-4, 3-4, and 4. These appear, your Honor, on Page 8 of your document book, Pages 8, 9, 10, and 11; and you can see in these pictures, not only these four but in the others, the electrocardiograph attachments on the wrist of the experimental subject who is, in the case of Picture 1-4, suspended by a parachute harness from the roof of the low pressure chamber.

Now, it so happens that these pictures were taken from a continuous strip of film which was found among the personal possessions of Dr. Rascher; and we submit that the identity of Pictures 1-4, 2-4, 3-4, and 4 conclusively show that all of the pictures included as Document NO-610 are in effect pictures taken during the course of the high altitude experiments conducted at Dachau and charged in the in-

indictment.

I will not take up the time of the Tribunal in going over each of these thirty-eight ~~more pictures~~. I would like, however, to call your particular attention to the very ghastly pictures on pages 5, 6, and 7 of your document book; and these pictures were identified in Paragraph 7 of Rosenberg's affidavit, in which he states that he knows that autopsies were performed in Dachau; that he had seen these three pictures; and that he knows that autopsies of this character were performed at Dachau on subjects who died during the course of the experiments there.

We will come at a later point in the trial, either this afternoon or early tomorrow morning, to a report made by Dr. Rascher, in which the Court will be very easily enabled to relate these pictures showing the autopsy on the body to the experiments conducted in Dachau.

DR. SIEGFRIED WILLE: Dr. Wille, counsellor for the defendant Welts. I should like further like to ask the representative of the prosecution how he can prove the authenticity of these pictures. It cannot be seen from the documents who it actually was that took these photographs; and I should like to ask him to clarify how these photographs were taken and who took them.

THE PRESIDENT: You are proceeding too fast.

DR. WILLE: Should I repeat it? I should like to repeat, from the document it cannot be seen who it was that took these pictures. We cannot recognize the authenticity of these pictures; and we demand an explanation; and I therefore ask the representative of the prosecution to tell us how he came to possess these pictures and who took them.

MR. MCHEANEY: Would you like to hear from the prosecution now?

THE PRESIDENT: Yes.

MR. MCHEANEY: There are two questions involved in this objection; firstly, as to the admissibility of the documents themselves. These pictures, as I stated, have been printed from a strip of film which was captured by the Allied Army. I am advised and believe that it was taken with a number of other personal possessions of the now deceased Dr. Rascher. This film now resides in the document room here at Nurnberg and was received in the official course of business and has been duly certified as

authentic by the affidavit of Mr. Miesbergall and by the certificate which is attached
to the exhibit which I have just now put in, which is Exhibit 41.

THE PRESIDENT: Where is that certificate, Mr. McManey? I don't find it in this
book.



MR. MORANEY: Exhibit 41. If your Honor please, if I may be permitted to continue my observations, the first question is whether this is an authentic document. I submit that it has been authenticated in the same manner that any other captured German document is in this case, namely, by the affidavit of Major Googan, by the affidavit of Mr. Weibergall and by the affidavit which is attached to these pictures and the second question is what materiality these pictures have to this case. To prove that we have submitted these pictures to the defendant Rosberg and he has identified very definitely, as stated in his affidavit, pictures 1a, 2a, 3a and 4 which are contained in a continuous strip of film. I submit, therefore, that our identification of these pictures as being some of a series taken at Dachau is perfectly sound and good.

DR. WILHE: My reply to that: I have not read that these photographs have been taken from a series of films. I am being confirmed by my colleague. I have come to the results that the statement regarding the authenticity of these documents cannot be applied to the film and I should, therefore, like to ask the prosecution to prove that we are really concerned with photographs dealing with the experiments of Ruff, Rosberg and Rascher in Dachau.

THE PRESIDENT: The objection interposed by counsel will be overruled and the exhibit admitted.

MR. MORANEY: I come down to the affidavit of the defendant Ruff, who was, in fact, the superior of Rosberg for the purposes of these experiments and a scientist of considerable reputation in the field of aviation medicine. The affidavit is Document No. 437 and will be Prosecution Exhibit 42. The affidavit reads as follows:

"I, Siegfried Ruff, being duly sworn, depose and state:

1. "I was born in Primmersheim/Niederrhein, Germany, on February 19, 1907. I studied medicine at Bonn and Berlin Universities and was a doctor in the University Hospital at Bonn until January 1934, when I joined the staff of the German Experimental Institute for Aviation, hereinafter called DVL at Berlin-Adlershof. It was my job to establish a Department for Aviation Medicine in the DVL, which I did. I was with the DVL until the end of the war. I was an officer in the reserve of the Luftwaffe until the end of the war, and attained the rank of Assistant Physician (Lieutenant). I joined the NSDAP in 1938.

2. "Late in 1941, I believe December, Dr. G. A. Walts of the Institute for Aviation Medicine at Munich told me that Dr. Siegmund Rascher was to make certain low-pressure experiments at the Dachau Concentration Camp. It was considered desirable to have experts in this field assist in the experiments and for that reason Walts had contacted me. I took the matter up with Dr. Hippke, Chief of the Luftwaffe Inspectorate and he agreed that Dr. Romberg of my staff should collaborate with Rascher in these experiments.

3. "Early in 1942, about January or February, a conference was held in Dachau in which Dr. Walts, Dr. Rascher, Dr. Romberg, two officers who were apparently of the concentration camp staff, and I took part. We discussed the arrangements for conducting the experiments. It was understood that concentration camp inmates who had been condemned to death would be used in the experiments and that as a compensation they were to have their sentence commuted to life imprisonment.

4. "In due course, a movable low-pressure chamber was taken from the DVL in Berlin to Munich. It was taken to Munich instead of directly to Dachau so that the driver would not learn of its final destination. I believe that the keys of the truck were turned over to Walts and he handed them over to the SS men who drove the chamber on to Dachau.

5. The experiments were actually conducted in Dachau during the spring or summer of 1942. They lasted from 2 to 3 months. Dr. Romberg stayed the whole time in Dachau with the exception of a few short trips to Berlin to report to me. I visited Dachau once while the experiments were conducted there.

6. Dr. Walts was informed about these experiments as were a number of doctors in the Medical Service of the Luftwaffe. A motion picture of the experiments was shown in the Reich Ministry of Aviation. Dr. Walts certainly never told me that he considered the experiments immoral or criminal or that his superiors thought so. After all, he came to me with the offer that Romberg and I, as experts in low-pressure research, participate in the experiments with Rascher, since he was not considered an expert. Personally, I would not consider these experiments as immoral specially in War Time." Signed "Siegfried Ruff."

Q. NOW, if your Honor, please, there is an amendment to the affidavit of Siegfried Ruff carrying the same document number, 80-437 and it also has been

admitted along with the affidavit I have just read as Prosecution Exhibit 42 and I would now like to read this very short amendment which Dr. Ruff has added as a supplement to his affidavit of 18 October 1946:

"Postscript Paragraph. Those condemned to long years of prison were said to get a reduction of punishment or dispensation of punishment. Names for the experiments should be entered voluntarily. The above completion is done in my own handwriting. Nurnberg, 25 October 1946."

MR. MCANEY: As the proof in this case proceeds and indeed upon the state of the proof as it now exists, I think it is perhaps a bit strange that the Defendant Ruff should state positively in his statement that he did not consider these experiments immoral especially in war time.

THE PRESIDENT: Mr. McAney, are those two exhibits attached together.

MR. MCANEY: Yes, sir. That's on page 49, your Honor. I come now to an affidavit signed by the defendant Rudolf Brandt, who as the Court will recall, was adjutant to the Reichsfuehrer SS Himmler and who had a very remarkable opportunity to participate in and gain some information about the matters about which we are here concerned. This affidavit is Document NO. 191 and we offer it as Prosecution Exhibit 43 and it is on Page 50 of the English Document Book.

"I, Rudolf Emil Hermann Brandt, being duly sworn depose and state:"

THE PRESIDENT: How long will this affidavit that you are about to read take?

MR. MCANEY: Well, your Honor, it will probably take five or ten minutes. It is about three pages long.

MR. PRESIDENT: Proceed.



"1. I was born on 2 June 1909 at Frankfurt/Oder, Germany, and was educated for the law in university in Berlin and Jena. I joined the Nazi Party in 1932 and my party number is 1,331,546. In October 1933 I became a member of the SS with the number 129,771. On November 9, 1935, I was commissioned an Untersturmführer (Second Lieutenant) and ultimately rose to the rank of Standartenführer (Colonel). In 1936 or 1937 I became an Adjutant to Heinrich Himmler, Reichsführer of the SS. This position was of an administrative nature as personal assistant to Himmler.

"2. By reason of my position as Adjutant to Himmler, I was able to obtain considerable knowledge of the details of many activities in which Himmler and various SS personalities participated. This knowledge came through discussions with Himmler and other persons concerned and through conferences, correspondence and the like. I read and answered a great deal of correspondence addressed to Himmler, and on my own initiative I handled various administrative details pertaining to welfare cases, for which the Reichsführer-SS had set down fundamental regulations.

"3. Because of my position and experience outlined above I also gained an insight into medical experimentation on human beings and I am able to make this statement on that subject.

The Low Pressure Experiments

"4. I first heard of the plan to experiment on human beings in May 1941. The idea originated with Dr. Sigmund Rascher, Stabsarzt der Luftwaffe and later Hauptsturmführer SS. At that time Rascher was attending a course in aviation medicine at the Luftgaukommando VII in Munich. He wrote Himmler suggesting that concentration camp inmates be placed at his disposal for experimentation to determine the effects of extreme height on the human body. Volunteers could not be expected as the experimental subjects might die. Rascher stated further that the examination center for effects of altitude, of which Dr. G. A. Wiltz was the director, would be prepared to carry out such experiments.

"5. Himmler had me answer this letter from Rascher, informing him that prisoners could be made available for the research. Later on, in July, 1941, Himmler authorized Dr. Wiltz, Dr. Rascher and Dr. Kottenhoff to carry on the low pressure experiments at the Dachau Concentration Camp.

"6. The experiments did not get under way until about March 1942. In the meantime, the necessary technical arrangements were handled by Dr. Welts. Dr. Kottschhoff was transferred to ~~Sachsenhausen~~, but the experimental team was strengthened by Dr. Ruff, director of the Luftfahrtforschungsaustalt Berlin Adlershof, and his assistant, Dr. ~~Wenters~~. These men, together with Welts and Rascher, held a conference in Dachau in which technical arrangements were made with the Commandant of Dachau Concentration Camp, Florkowski, and the ~~Marisch~~ adjutant to the Reichsfuehrer-SS, Schnitzler. Dr. Welts agreed to supply the necessary orders for Dr. Rascher as far as the Luftwaffe was concerned.

"7. Instructions were given by the Reichsfuehrer SS that Rascher should personally take part in all experimentation on human beings at Dachau. Thus, in March 1942, I wrote to Sievers that the experiments had been approved so long as Rascher participated. This was essentially an experiment by the Luftwaffe and Rascher was the only SS doctor of the group. This was done at the request of Mrs. Rascher who felt that other members, particularly Dr. Welts, wanted to retain all control and responsibility for the experiments and to put Rascher aside. She wanted Rascher attached to the Luftfahrtforschungsaustalt Berlin-Adlershof, in order to make it impossible for Welts to transfer him elsewhere. Generalstabssurat Professor Dr. ~~Wipke~~ was requested by Himmler's office to transfer Rascher, and he extended the orders attaching Rascher to Welts's organization in Munich.

"8. Rascher sent a preliminary report to Himmler in April 1942 on the progress of the experiments. The report stated that the experiments were conducted to find out how long human beings are able to live if exposed to conditions existing at great heights (lack of oxygen, low pressure). Many of the experiments ended in the death of the person experimented upon, Rascher noted in a cover letter that Sievers had seen some of the experiments.

"9. Himmler, after reading the report, requested Rascher to continue the experiments on additional people sentenced to death. If the subject experimented upon lived through the test, his sentence was to be commuted to life imprisonment. Himmler also requested Rascher to invite Dr. ~~Fehrenkamp~~ to his experiments. In the meantime Sievers had reported to Himmler about his visit to Dachau and his knowledge of an participation in the low pressure experiments. For volunteers the term of imprisonment should be reduced.

"10. Later on Rascher inquired whether Poles and the Russians who survived the experiments were also to have their death sentences commuted. I replied to Generalmajor Schnitzler, by order of the Reichsführer-SS, that Poles and Russians were not to have their death sentences commuted.

"11. There is no doubt that numerous mishaps occurred during the course of these experiments. I remember that Mrs. Rascher wrote to me asking for permission to take color photographs of recently dissected subjects; permission for this was granted.

"12. Generalmajor E. 'Misch' — that should read, Your Honor — and Professor Hipke, the 'Inspektor des Sanitätswesens der Luftwaffe' had full knowledge of the low-pressure experiments. Indeed, the experiments could not have been conducted without the knowledge and consent of these men because they were conducted for the benefit of the Luftwaffe and the experimenters were for the most part Luftwaffe doctors. Rascher was also a member of the SS and it was for this reason that Himmler insisted on full participation by Rascher in the experiments — he wanted the SS to receive credit for this work. Karl Wolff acted as liaison between Himmler and Misch in connection with low-pressure experiments and also the freezing experiments. I remember the correspondence between Misch and Himmler in which Misch admitted sending the reports of Rascher and Rascher. Motion pictures of the experiments were shown to the Air Ministry (RLM). I also know that Himmler wrote Misch in an effort to obtain Rascher's release from the Luftwaffe so that he would be subordinate only to the SS. This was finally accomplished through Hipke's office."

(Signed) Rudolph Brandt.

THE PRESIDENT: We will recess until tomorrow morning.

THE MARSHAL: The Tribunal will recess until nine-thirty tomorrow morning.

(The Tribunal adjourned until 11 December 1946 at 0930 hours)



CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 11 December 1946, 0830-1830, Justice Beals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

THE PRESIDENT: Will you ascertain the presence of the defendants.

THE MARSHAL: May it please Your Honor, all of the defendants are present in the courtroom.

THE PRESIDENT: The Secretary General will note for the record the presence of the defendants in the courtroom.

The prosecution will proceed.

MR. McHANEY: If the Tribunal please, at the end of yesterday's session we had proceeded through the introduction of the affidavits of the defendant Rosenberg with respect to the high altitude experiments at the Dachau concentration camp in the spring and summer of 1942. We had also introduced Prosecution's Exhibit 41 which consists of some 16 pictures taken during the course of the high altitude experiments. We had also introduced the affidavit of the defendant Ruff and the defendant Rudolf Brandt. I would like at this time to offer Document No. 1602-PS as Prosecution's Exhibit 44. This is on page 53 of the English document book. This is a letter from the deceased Doctor Roscher to Heinrich Himmler. It is dated 15 May 1941 and it reads as follows:

Dear Reichsfuhrer :

My sincere thanks for your cordial wishes and flowers on the birth of my second son: This time, too, it is a strong boy, though he has come 3 weeks too early. I

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will permit myself to send you a picture of both children
at an opportune moment.



For the time being I have been assigned to the Luftgau-Kommando VII, Munich, for a medical course. During this course, where researches on high-altitude flights play a prominent part (determined by the somewhat higher ceiling of the English fighter planes), considerable regret was expressed at the fact that no tests with human material had yet been possible for us, as such experiments are very dangerous and nobody volunteers for them. I put, therefore, the serious question: can you make available two or three professional criminals for these experiments? The experiments are made at permanent Luftwaffe Testing Station for Altitude Research (Bedensteendige Pruefstelle fuer Hoehenforschung der Luftwaffe), Munich. The experiments, from which the subjects can, of course, die, would take place with my cooperation. They are essential for researches on high-altitude flight and cannot be carried out, as has been tried, with monkeys, who offer entirely different test-conditions. I have had a very confidential talk with a representative of the Air Force Surgeon who makes these experiments. He is also of the opinion that the question could only be solved by experiments on human persons (Feeble-minded could also be used as test material).

I hope sincerely, highly esteemed Reichsfuehrer that, in spite of the immense burden of work you carry, you are in the best of health.

With my heartiest wishes, I am with Heil Hitler your gratefully devoted Sigmund Rescher."

Now, what, Your Honor, is the particular significance of this exhibit aside from the fact that it indicates to us the origin of the idea for human experimentation in a low pressure chamber. There are two things I would like to

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call to your particular attention, and in doing so I refer
back to the affidavit which we submitted signed by the de-
fendant Volts



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which is Prosecution's Exhibit 17. You will recall that in the letter I have just read to you Sigward Rascher stated that the experiments are made at Permanent Luftwaffe Testing Station for Altitude Research. The German words for that, to the best of my ability of pronunciation, are Bodensteinige Pruefstelle fuer Hoehenforschung der Luftwaffe. In the affidavit signed by the defendant Woltz, he states that in the course of the war "I rose to the rank of Oberfeldarzt. During this time I also operated as Pilots Physical Examination Office at Neubiberg and worked at the permanent Examination Board No. 4, Bodensteinige Pruefstelle IV, in Munich." In short, Your Honor, the defendant Woltz was at the same Luftwaffe installation in Munich on 15 May 1941 that the deceased Dr. Rascher was at the time he wrote this letter and made the suggestion that high altitude experiments be carried out on living human beings.

I also call your attention to the fact that Doctor Rascher in this very interesting letter says, and I quote: "I have had a very confidential talk with a representative of the Air Forces Surgeon who makes these experiments," and I suggest to the Tribunal that that man was the defendant Woltz.

I proceed now to Document No. 1582-PS, which will be Prosecution's Exhibit 45, and is a letter from the defendant Rudolf Brandt to Sigward Rascher in reply to the letter directed by Rascher to Himmler which I have just read. The letter is undated and reads: "Dear Dr. Rascher: Shortly before flying to Oslo, the Reichsfuehrer SS gave me your letter of 15 May 1941, for partial reply."

I can inform you that prisoners will of course be gladly made available for the high-flight researches. I have informed the Chief of the Security Police of this agreement of the Reichsfuehrer SS, and requested that the competent official

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be instructed to get in touch with you.

I want to use the opportunity to extend my cordial wishes to you on the birth of your son.

I shall refer as soon as possible to the second part of your letter.

Heil Hitler

By order (initials) R Br"

And incidentally, Your Honor may be interested in looking at the photostatic copy of this German document and observing for yourself the peculiar characteristic of the initials of the defendant Rudolf Brant because you will find that they appear on considerable number of exhibits which will be introduced here.



So we find that the wheels are partially in motion, at least the consent to come back from the defendant Rudolf Brandt that the Reichsfuehrer will permit these experiments on concentration camp inmates and Rascher is making his arrangements for the experiments with the representative of the Medical Inspectorate of the Luftwaffe at the Institute in Munich, which was the Institute of the defendant Helms.

I come now to Document WD-217, which will be Prosecution Exhibit 46. This is another letter from Rascher to the defendant Rudolf Brandt. It is undated; however, its context would seem to indicate that it probably preceded the letter which I have just read, since it poses again the question as to whether or not permission will be given for the high altitude experiments. It reads as follows:

"My dear Doctor Brandt:

"We regretted very much that we were unable to see you and to talk to you. I will still be here tomorrow and shall call up the Reichsfuehrung, at any rate once more before my departure, perhaps I can greet you at least shortly over the telephone.

"Yesterday I gave to Hauptsturmfuehrer Goine a matter concerning Mrs. Woller, owner of the firm Thoms and Gerfe. I ask you cordially to report benevolently on this matter to the Reichsfuehrer-SS, since it would be a pity if the matter should be decided negatively and the business ruined. I considered for a long time as to whether I might approach you in this matter, but after the most careful examination I can assume the responsibility for doing so.

"May I also ask that you grant soon the perhaps possible permission for carrying out the experiments (high altitude-pressure) (reported to Hauptsturmfuehrer Fackelschlein) within the camp of Dachau itself. I forgot to mention to Hauptsturmfuehrer Fackelschlein that a movable pressure chamber has been provided for this purpose out of the Research Fund of the RLM.

"My wife enjoyed very much meeting your wife, and we both are looking forward with pleasure to the honor of your visit in January".

This letter does not add very much except that it does indicate a rather personal relationship to the defendant Rudolf Brandt on the part of Rascher.

And now we come to a most interesting memorandum written by the wife of the deceased Dr. Rascher, directed to Himmler's office. This is Document NO-263 and will be Prosecution Exhibit 47. It is dated, Munich, 24 February 1942. It is directed to the SS-Supreme Command, which will be the office of the Reichsfuehrer-SS in which the defendant Rudolf Brandt was an administrative officer.

"In reply to the communication of 17 February 1942, signed by SS-Obersturmfuehrer Fackelschlein, my husband has asked me to submit the following information: On Sunday, 22 February, the following communication went to SS-Obersturmfuehrer Schmitzler on the subject of the experiments involved:

"The Reichsfuehrer-SS authorized the experiments on 24 July" — and I may say parenthetically that that may very well be the letter which we have already read into the record — "at that time for Dr. Rascher, Dr. Kottenhoff, and Dr. Alts. Dr. Kottenhoff was appointed Air Gun Physician for Germany in August and thereby was excluded from the group. Dr. Alts was to initiate the technical execution of the experiments. As he was afraid of obstacles on the part of the Air Force Medical Inspector, Generaloberstabsarzt Dr. Hippke, who described experiments of this kind as immoral, Alts continued postponing the beginning of the experiments, although he was thoroughly acquainted with their importance. In December of 1941, he asked the Board of Directors of the Air Force Research Institute Berlin-Charlottenhof, if the head thereof, Dr. Stiff and Dr. Rosenberg could undertake the experiments with Dr. Rascher. Both of them immediately accepted, delivered the low-pressure chamber and came here. A discussion took place in Dachau between Obersturmfuehrer Piorkowski, Obersturmfuehrer Schmitzler, Oberstabsarzt Dr. Alts, Dr. Rascher, Dr. Rosenberg and Dr. Stiff. It was clearly determined that the experiments were only to be authorized in collaboration with Dr. Rascher. Alts gave the assurance that he would take care of the corresponding authorization of Dr. Rascher. He was only able,

however, to obtain one authorization which enabled Rascher to carry out the preparatory work at Dachau, and stated in reply to a question on the subject by Dr. Rascher: "The authorization can be extended at any time".

"On Wednesday, 15 February, after Rascher had carried out all the preparatory work, Helts made the following statement: 'Now that you have removed all obstacles from the path of Rosenberg with the SS, the authorization must be handled differently'.

"As the result thereof, Rascher conferred with Obersturmführer Schnitzler on 19.

"Experiments of Rosenberg-Rascher began at Dachau, a clear pronouncement by both, that Helts was not needed any more. Rosenberg was also surprised that Rascher was not to be booted out in spite of his firm agreements. Obersturmführer Schnitzler has for the time being stopped the continuation of the experiments without Rascher until the decision of the Reichsführer has been obtained. Obersturmführer Schnitzler has been asked by Rascher to obtain an immediate authorization, either from the Chief of Staff IEN 14, or Staff Medical Officer Dr. Schmidt, likewise IEN 14. If the experiments at Dachau then proceed under a definite authorization, then Rascher has the possibility at all times of carrying out his accumulating E-Mess-Experiments Schengau.

"Rascher has asked Obersturmführer Schnitzler to inform the Reichsführer of what has happened and simultaneously to remark that Rascher would, under all circumstances, like to participate scientifically in the experiments as a member of the 'Menschenrbe'.

"As stated above — this notice was received by Dr. Schnitzler — he wished to report on it to the Reichsführer. No notification has been received as yet.

"In the meantime, my husband has again gone to Schengau and awaits instructions there."

This exhibit indicates that Dr. Rascher, in collaboration with Dr. Helts at the Air Forces Installation in Munich, conceived the idea of carrying forward these experiments on living human beings; that Rascher, being at the same

that a number of the SS as well as a doctor in the Luftwaffe, made suggestions to the Reichsfuehrer-SS who could provide the living experimental subjects. and as the memorandum states, Himmler on the part of the SS, authorized the experiments on the 24 of July to be carried out by Rascher, Kottenhoff, and Volz. It further appears that Volz was perhaps afraid that his superiors in the Luftwaffe might not like the idea of these experiments being carried out and consequently we had a somewhat considerable delay until the first part of 1942 before the experiments actually got under way. But it seems somehow that the defendant Volz was able to overcome whatever resistance he had met with in the Medical Service of the Luftwaffe, and permission had been secured for the carrying out of these experiments.

I suggest that the cogey Dr. Volz, for reasons which were undoubtedly sufficient for him, did not himself participate actively in the actual performance of the experiments, but he was the sordid procurer of the assistants to Rascher, who was no expert on high altitude research. It will appear, at a later point, that Volz tried to secure some experts to work with Dr. Rascher in his own Institute in Munich; namely, Drs. Lutz and Lindt. These gentlemen had heard of what Dr. Rascher was up to in Vienna and refused this generous offer on the part of Dr. Volz. And as this memorandum points out, and as the affidavit of the defendants Rosenberg and Ruff state, Volz then went to Berlin and secured the expert assistance there; namely, the defendants Ruff and Rosenberg. He apparently got into a little trouble with Rascher, wanted to participate perhaps somewhat more actively in the experiments, and insisted that Rascher report to him.



I now move on to Doc. No. 1561aPS which will be Prosecution Exhibit 48. This is a letter, dated March 21, 1942, the time at which time the experiments had

~~at Dachau and it is from Rudolf Brandt to Dr. Gertraud Siewers of the Ahnenerbe.~~

"I refer to your inquiry of March 9, 1942 concerning Dr. Rascher.

Reference is made to the sub-atmospheric pressure experiments which are being carried out on concentration camp inmates in the Dachau camp by the Air Force. The Reichsfuehrer - SS has approved these experiments under the condition that SS - 2nd Lieutenant Dr. Rascher who is anyhow a medical 1st Lieutenant of the Air Force takes part in them. I am sure that Dr. Rascher will be able to give you further details. (This last sentence is crossed out and replaced by one in German shorthand.)"

To reconstruct the picture a little bit - in the memorandum from Mini Rascher you will remember that she states that Dr. Rascher would be only too happy to work in the framework of the Ahnenerbe. A few days later we come to this letter from Rudolf Brandt back to Siewers in response to an earlier inquiry by Siewers saying, saying "Yes, Rascher is authorized to carry out the experiments." Apparently Siewers was interested in procuring the services of Dr. Rascher on the staff of the Ahnenerbe. The remark that the experiments had been approved under the conditions that Rascher participate in them is easily understandable. Rascher, being in a dual position of member of SS while at same time member of Luftwaffe, was authorized to participate and the Reichsfuehrer insisted on his participation because since a member of the SS they could secure a substantial amount of credit which was supposed to come forward from these experiments.

The next document is 1971-a-PS and will be Prosecution Exhibit 49. This is from Siegmund Rascher to the Highly esteemed Reichsfuehrer, and dated April 8, 1942.

"Enclosed is an interim report on the low pressure experiments so far conducted in the concentration camp of Dachau. May I ask you respectfully to treat the report as secret.

A few days ago Reich Physician SS Professor Dr. Grosske made a brief inspection of the experimentation plant. Since his time was very limited no

experiments could be demonstrated to him. SS-Obersturmbannführer Sievers took a whole day off to watch some of the interesting standard experiments and may have given you a brief report. I believe, highly esteemed Reichsführer, that you would be extraordinarily interested in these experiments. Is it not possible that on the occasion of a trip to southern Germany you have some of the experiments demonstrated to you? If the results so obtained by the experiments are confirmed by further experimentation, entirely new data will be secured for science; simultaneously entirely new aspects will be opened to the Luftwaffe.

I hope that, thanks to the intended efforts of SS Obersturmbannführer Sievers, the Luftwaffe will make no difficulties from now on. I am very much indebted to Obersturmbannführer Sievers as he has shown a very active interest in my work in every respect.

I thank you respectfully, highly esteemed Reichsführer, for the generous realization of my proposition to conduct such experiments in the concentration camp.

With my best wishes for your personal well-being, I am

Gratefully yours,

(signed) S. Rascher



Attached to this letter and part of the same Exhibit is the Interim Report mentioned in the letter.

1. The object is to solve the problem of whether the theoretically established norms pertaining to the length of life of human beings breathing air with only a small proportion of oxygen and subjected to low pressure correspond with the results obtained by practical experiments. It has been asserted that a parachutist, who jumps from a height of 12 km would suffer very severe injuries — probably even die —, on account of the lack of oxygen. Practical experiments on this subject have always been discontinued after a maximum of 53 seconds, since very severe pains occurred.

2. Experiments testing the length of life of a human being above the normal breathing limits (4, 5, 6 km) have not been conducted at all, since it has been a foregone conclusion that the human experimental subject would suffer death.

The experiments conducted by myself and Dr. Rosenberg proved the following:

Experiments on parachute jumps proved that the lack of oxygen and the low air pressure at 12 or 13 km altitude did not cause death. Altogether 15 extreme experiments were carried out in which none of the VP died."...

VP means test persons, your Honor.

"Very severe bends together with unconsciousness occurred, but completely normal functions of the senses returned when a height of 7 km was reached on descent. Electrocardiograms registering during the experiments did show certain irregularities, but by the time the experiments were over the curves had returned to normal and they did not indicate any abnormal changes during the following days. The extent to which deterioration of the organism may occur due to continuously repeated experiments can only be established at the end of the series of experiments. The extreme, fatal experiments will be carried out on specially selected VPs, otherwise it would not be possible to exercise the rigid control so extraordinarily important for practical purposes."...

I would like to say parenthetically, your Honors, that it is quite obvious in that little sentence that even in this type of experiment we have to have a so-called control group - the people who were going to be killed, the people upon whom the experiment was continued until he died. That was the very purpose of the experiment in those cases - to determine just what it took to kill these people. Only in that way does he state can he exercise the rigid control so necessary.

I continue to read:

"The VPs were brought to a height of 8 km under oxygen and had to make 5 kneebends with and without oxygen. After a certain lapse of time, moderate to severe bends occurred and the VPs became unconscious. However, after a certain period of accustoming themselves to the height of 8 km, all the VPs recuperated and regained their consciousness and the normal functions of their senses.

Only continuous experiments at altitudes higher than 10.5 km resulted in death. These experiments showed that breathing stopped after about 30 minutes, while in 2 cases the electrocardiographically charted action of the heart continued for another 20 minutes.

The third experiment of this type took such an extraordinary course that I called an SS physician of the camp as witness, since I had worked on these experiments all by myself. It was a continuous experiment without oxygen at a height of 12 km conducted on a 37 year old Jew in good general condition. Breathing continued up to 30 minutes. After 4 minutes the VP began to perspire and to wiggle his head, after 5 minutes cramps occurred, between 6 and 10 minutes breathing increased in speed and the VP became unconscious, after 11 to 30 minutes breathing slowed down to three breaths per minute, finally stopping altogether.

Severest cyanosis developed in between and foam appeared at the mouth."...

Cyanosis, if the Tribunal please, means that a very deep blue color of the lips set in, characteristic of pre-collapse.

"At five minute intervals electrocardiograms from 3 leads were written. After breathing had stopped EKG was continuously written until the action of the heart had come to a complete standstill. About 1/2 hour after breathing had stopped, dissection was started."...

And now comes the autopsy report and I will remind the Tribunal of Exhibit 41, three pictures of which you recall showed an autopsy of a person, one of which where they had opened up the breast of the subject, and another where the skull had been opened and the brain exposed clean in the picture.

"Then the cavity of the chest was opened the pericardium was filled tightly."

Pericardium is the tissue around the heart. Sort of a callophane like tissue.

"Upon opening of the pericardium 80 cc of clear yellowish liquid gushed forth. The moment the tamponade had stopped, the right auricle began to beat heavily, at first at the rate of 60 actions per minute, then progressively slower. 20 minutes after the pericardium had been opened, the right auricle was opened by puncturing it. For about 15 minutes a thin stream of blood spurted forth. Thereafter closing of the puncture wound in the auricle by coagulation of the blood and renewed acceleration of the action of the right auricle occurred.

One hour after breathing had stopped, the spinal marrow was completely severed and the brain removed. Thereupon the action of the auricle stopped for 40 seconds. It then resumed its action coming to a complete standstill. 8 minutes later. A heavy subarchnoid effusion was found in the brain. In the veins and arteries of the brain a considerable quantity of air was discovered. Furthermore the blood vessels in the heart and liver were enormously obstructed by embolism."...

Subarchnoid, if your Honors please, as I understand it is the tissue around the brain much as pericardium is the tissue around the heart. Embolism being an obstruction other than fluid blood.

"The anatomical preparations will be preserved so I'll be able to evaluate them later.

The last mentioned case is to my knowledge the first one of this type ever observed on man. The above described heart actions will gain particular scientific interest since they were written down with EKG to the very end.

The experiments will be continued and extended. Another interim report will follow after new results have been obtained.

(signed) Dr. Gascher"



THE PRESIDENT: Have you offered this interim report as a part of the Exhibit 49?

MR. McHANEY: That is correct, Your Honor. They both carry the same identification number, namely 1971-C-PS.

The next exhibit will be Document 1971-C-PS, which will be Prosecution Exhibit 50.

JUDGE SEBRING: Let me understand, Mr. McHaney. You said "D-PS" or "C-PS"?

MR. McHANEY: "C-PS, 1971-C-PS. This is on a short piece of paper, Your Honor. You are probably looking over at the next document. It is page 63 of the English document book. This is a letter dated 13 April 1942, again from the defendant Rudolf Brandt, to his "Dear Comrade Dr. Rascher."

"Your report of April 5, 1942 has been seen by the Reichsfuehrer-SS today. The tests on which SS-Obersturmbannfuehrer Sievers gave a brief report interested him very much.

"For the further tests I wish you continuation of the success you have had so far.

"Best regards also to your wife.

"Heil Hitler! /signed/ Rudolf Brandt".

The next exhibit is document 1971b-PS, and this will be Prosecution Exhibit 51.

THE PRESIDENT: Your Exhibit 50 reads "Yours, B. Brandt". Was that intended for "R. Brandt"?

MR. McHANEY: That I am sure, is "R. Brandt", Your Honor.

JUDGE SEBRING: How does it appear?

MR. McHANEY: How can you tell, Sir? Do you have a copy of the German document book? That is Exhibit 50. As a matter of fact, I am not sure that — Well, this was the reason that I suggested in the beginning that Your Honor perhaps have a look at his initials. The first initial looks very, very much like a "B". I would like to have this exhibit passed up to the Court.

so that you may see it. The rank is noted as SS Sturmbannfuhrer", this being in 1942. ~~and the defendant Brandt was not promoted to the rank of~~ Standartenfuhrer until a later date. You will also note, Your Honor, that the letter comes from the Fuehrer Headquarters, and I have never heard of any Brandt other than our defendant Brandt in the Fuehrer's Headquarters.

I have just offered Document 1971b-PS as Prosecution Exhibit 51, which is a letter from Heinrich Himmler to Dr. Rascher, commenting on the first interim report on the high altitude experiments. It is dated 13 April 1942 and states:

"Dear Dr. Rascher:

"I want to answer your letter with which you sent me your reports.

"Especially the latest discoveries made in your experiments have interested me. May I ask you now the following:

"1. This experiment is to be repeated on other men condemned to death.

"2. I would like Dr. Fahrenkamp to be taken into consultation on these experiments.

"3. Considering the long continued action of the heart, the experiments should be specifically exploited in such a manner as to determine whether these men could be recalled to life. Should such an experiment succeed, then of course, the person condemned to death shall be pardoned to concentration camp for life.

"Please keep me further informed on the experiments.

"Kind regards and Heil Hitler, Yours, H. Himmler."

A copy going to the Chief of the Security Police and SD, and another copy to the SS Brigadefuhrer Gluecks. Gluecks was the Chief of Amt D, in the WVHA; that is to say, the Economic and Administrative Main Office of the SS, the chief of which was Pohl, and Your Honors will recall that I stated that Oswald Pohl had jurisdiction over concentration camps from the first part of 1942 until the end of the war, hence, a copy of this letter being sent to the

administrative headquarters of the concentration camps, or, rather, to his immediate subordinate, Gluecks. You will note that here again the initials "SS" occur on the bottom of the letter. That is SS-Sturmabfuhrer Rudolf Brandt.

Now, this letter is quite interesting. It is the first instance in which we hear about anyone being pardoned, as they put it, to life-long concentration camp should they survive the experiments. In other words, certain of the defendants will try to convince the Court that they were taking experimental subjects who were condemned to death. They went up to them and explained to them that they were going to run these experiments off, that they involved some danger, that if they would come forward and volunteer, "Oh, we are big sports. If you live through it, we will let you stay in a concentration camp the rest of your life."

Now, this is nearly a month and a half after the experiments start, and it is the first time that anyone says anything about pardoning anyone condemned to death if they survive these experiments, as you will be told by the defendants Goetz, Rosenberg, and Ruff. But now is there for the Reichsfuehrer now to write Dr. Rascher on 13 April -- a month and a half after the experiments had been going on -- and to state, "Oh, yes, don't forget to turn them loose"? This has been the first time that any amnesty or commutation has been mentioned.

The second point to bring forward is, How liberal a rule is the Reichsfuehrer setting up here? He is referring to the experiments which Rascher has described in his first interim report, where you had the long-continued heart action after the man was apparently dead, after they had dissected him and removed the liquid which was forming a pressure on the heart and on the brain. That is the experiment that Simmler refers to, and he says, "If you can recall any of these men to life, then you may let them have life-long concentration camp instead of death."

It is rather like the old story that we have heard in the law about the man who is sentenced to be hanged, and they take him out to the scaffold and

say the last rites, and he drops through the trap door, and the rope breaks, and there has always been some talk, "Well, we shouldn't hang him again, and I think that is precisely what Himmler is suggesting here - that if you kill these men but you can bring them back, then you do not have to kill them again.

But the rule was not even that liberal, Your Honors, and this is revealed by Document 1981d-PS, which will be Exhibit 52. This is dated 20 October 1942 and is a teletype from Rascher to the defendant Rudolf Brandt:

"Highly esteemed Obersturmbannfuhrer:

"Will you please clarify the following case with the Reichsfuhrer SS as soon as possible.

"In communication Reichsfuhrer SS of B-4-42 under S3 it is ordered that if prisoners in Dachau condemned to death live through experiments, which have endangered their lives, they should be pardoned. As up to now only Poles and Russians were available, some of whom had been condemned to death, it is not quite clear to me yet as to whether the above mentioned paragraph also applies to them, and whether they may be pardoned to concentration camp for life after having lived through several very severe experiments.

"Please answer to teletype via Adjutant's Office, Reichsfuhrer SS, Munich.

"Obedient Greetings, Heil Hitler, Yours, /signed/ S. Rascher."

Now, this indicates to us the nationality of some of the experimental subjects which were being used, which is an important consideration, Your Honor, as between a crime against humanity and a war crime in the Indictment. We have here non-German nationals being experimented on.

I also want to call your attention to the fact that only some of these people had been condemned to death; in other words, they were not limiting their experiments on the subjects, all of whom had been condemned to death. Here he asks whether the amnesty rule applies to Poles

and Russians. The answer comes in Document 1971-e-PS, which will be
Prosecution Exhibit 53.

This is a teletype to SS Obersturmfuehrer Behnitzer in Munich:

"Please inform SS Untersturmfuehrer Dr. Rascher with regard to
his teletype inquiry that the instruction given some time ago by the
Reichsfuehrer



SS concerning arrest of test persons does not apply to Poles and Russians.
/signed/ Brandt, SS Obersturmbannführer."

Now, Your Honor, at a later point we will come to the high altitude report, prepared by the defendants Ruff, Rosenberg, and the deceased Dr. Bracher, and I will call your attention to a statement in this report that the one died during the course of these experiments. Now we have already put in proof here which clearly indicated that they had a number of deaths.

The next document, which is 1581c-PS, which will be — Garden 60; that is 1581-b-PS, which will be Prosecution Exhibit 54. It also indicates that they have had a sufficient number of deaths during the course of these experiments. It is a letter dated 13 April 1942, written to the defendant Rudolf Brandt.



"My husband asks you to get him the permission, if possible of the Reichsfuehrer to take immediate colored photos of his own preparations..."

and I give you the German word after "preparations" and in parenthesis the English meaning of "persons just dissected".

...."As a rule only black-white photographing is permitted in the camp. As he wants to evaluate the preparations later on, these photos would be very important for his work. May I ask you for a short early answer? This letter is forwarded by courier.

"With the best regards and many thanks I remain with

"Heil Hitler!

"Yours respectful

"Nini Rascher"

There is a note on the bottom:

"Did the letter with the report Cramer-Klett arrive?"

The meaning of that note is not particularly clear. However, during the freezing experiments we will see the name of Cramer mentioned and, as I recall, it will develop that Cramer is an army doctor attached to the Institute at St. Johann which you will recall was an institute which was under the jurisdiction of the defendant Handloser in his capacity as Army Medical Inspector.

Document No. 1581 c PS, which will be Prosecution Exhibit 55, is the telegram in answer to the request for permission to take colored photographs of the autopsies by Nini Rascher. It is from SS Brigadefuehrer Gluecks whom, you will recall, is head of the Amt in WVHA of the concentration camps. The telegram is to Gluecks from the defendant Rudolf Brandt.

"The Reichsfuehrer-SS has permitted SS 2nd Lieutenant Dr. Rascher, who conducts the experiments in Dachau, to also make colored photographs in connection with his experiments.


"Will you please take steps accordingly.
signed Brandt"

Now, like the good and obedient scientist that he was, Dr. Raecher heeded the desires of the Reichsfuehrer in repeating these experiments in which the prolonged beating of the heart was observed after apparent death and we find his report on the continuation of these experiments in Document HQ-218, which will be Prosecution Exhibit 56. This is dated 16 April 1942:

"Highly esteemed Reichsfuehrer:

"May I thank you for your letter of 13 April. I have been delighted with the great interest which you, highly esteemed Reichsfuehrer, are taking in the experiments and their results. I thank you for the inspirations you have given me in your letter.

"The experiment described in the report of 4 April was repeated 4 times, each time with the same results. When Wagner, the last test person, had stopped breathing I let him come back to life by increasing pressure. Since Test Person W...." (who is Wagner) ... "was assigned for a terminal..." ("Terminal" meaning death-resulting in this case)... "experiment held no prospect for new results, and since I had not been in possession of your letter at that time, I subsequently started another experiment through which Test Person Wagner did not live. Also in this case the results obtained by electrocardiographic registration were extraordinary.



"In accordance with your orders, I tried to contact Dr. Fehron Kamp immediately upon receipt of your letter, however, I could not speak to him since he is layed up with angina. In a few days I shall ask again if Dr. Fehron Kamp is available.

"Meanwhile, at times together with Dr. Rosenberg I carried

out falling experiments from heights of from 16 to 20 kilometers. Here, contrary to theoretical assumptions, it was proved that falling through space after jumping from an airplane in the stratosphere is quite possible, as after severe unconsciousness the Test Person regained complete consciousness in each case, at between 7 and 8 kilometers height when the parachute lever, installed in the chamber, was pulled.

"Within the next few days I shall report at length on these experiments as well as on the above mentioned Test Person Wagner.

"I also have a request to make: May I take pictures of the various dissection preparations in the dissecting room of the concentration camp to make a record of the strange formations of air embolism. In this connection, my wife has already written to SS Sturmbannfuhrer Dr. Brandt.

"Highly esteemed Reichsfuhrer, allow me to close by assuring you that your active interest in these experiments has a tremendous influence on one's working capacity and initiative.

"I am with devoted greetings and Heil Hitler

Yours gratefully devoted

(signed) Sigmund Rascher"



Here again I want to stress the point that the Test Person Wagner was a man condemned to death; that he was subjected to an experiment endangering his life; that he was brought back to life, as Rascher puts it, and yet, "having been assigned for a "terminal" experiment he was thereafter subjected to another experiment and killed. This indicates quite conclusively that there was no understanding between the defendants Ruff, Rosenberg and Rascher and Heinrich Himmler and the concentration camp people that condemned men would be given

mercy and pardoned to life long imprisonment. It is perfectly apparent that these men were simply assigned to these experiments and if they did not live through them, all right, and if they did and had been sentenced to death they still got their death.

As the Tribunal has seen from the memo by Nini Rascher and by reference in one or two of the other exhibits, there apparently was a bit of friction between Woltz and Rascher -- and apparently some difficulty about making sure that Rascher was permitted to stay in Dachau and continue these experiments. Document NO-318 deals with this subject and will be Prosecution No. Exhibit 57. It is dated 16 April 1942, to the Chief of The Medical Service of the Luftwaffe and, as I have told Your Honors, the initials "Lin 14" indicate the office in the Air Ministry which was the Medical Office of the Luftwaffe. The Chief, of course, was Generaloberstabsarzt Professor Dr. Hippke, predecessor of Professor Schroeder. The letter concerns the prolongation of the command of Stabsarzt Rascher:

"The Stabsarzt Dr. Rascher was commanded for special experiments, the execution of which together with the experimental establishment for Air Navigation was rendered possible by the Reich Fuehrer SS at Dachau, to the experimental establishment for Aviation, Branch Office Dachau from March 16th till April 16th, 1942. The results obtained till now require a continuation of the experiments, particularly as they cannot be completely terminated in the time provided as the procuring of a few technical appliances caused difficulties which can only be removed during next week. In the interest of the guarantee of a successful conclusion to the experiments, it is therefore



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requested to order the continuation of the authorization provisionally for four more weeks till the termination of the experiments. Place of command. Establishment for



experiments for Aviation, Branch Office Dachau.

"The special research carried out, or actually taking place at Schongau will be individually executed together with the experiments at Dachau by Stabsarzt Dr. Rascher as has been done so far." The signature is the initial "W" which undoubtedly, Your Honors, is Karl Wolff who, at that time, was SS-Obergruppenfuehrer and who was, at that time, Chief of the Personal Staff of the Reich Fuehrer SS.

Now, it appears that Rascher's orders detaching him to Dachau for carrying out these experiments were about to expire on 16 April. A number of experiments had been carried out up until that time. The defendant Romberg has admitted that he had observed deaths prior to this time and now we have this letter from a member of the staff of the Reich Fuehrer SS asking the Chief of the Medical Service of the Luftwaffe to extend his command. These deaths that the defendant Romberg had observed were reported to the defendant Ruff and, of course, it is quite clear that these men could very easily have been in touch with Oberstabsarzt Dr. Hippke and there is no doubt that these matters were reported to him and yet we find that the orders were continued and that the defendants Ruff and Romberg continued their collaboration after deaths were observed by them. What better opportunity could have been afforded men who had been seduced into an experiment without knowing what they were getting into, as defendants Ruff and Romberg will undoubtedly tell you? What better opportunity could have been afforded them and their compatriots in the Luftwaffe to have terminated these murderous experiments in Dachau in collaboration with Rascher at the expiration of the orders detaching him there in 1942? That is not what happened. The orders were extended and the defendants Ruff and Romberg continued their collaboration as we shall see.



Document No. NO-296, which will be Prosecution Exhibit 58, is the reply by Hippke to the letter I have just read from Wolff. It comes from the Office of the Chief of the Medical Service of the Luftwaffe to the Reich Leader SS and Chief of the Personal Staff who, at that time, was called Wolff:

"I have received your recommendation concerning Stabsarzt (Reserve) Dr. Rascher. The recommendation was forwarded by me to the Air Gau Physician VII with the request to extend the Command,

"Heil Hitler!

"s/ HIPPKKE"

Document NO-219 will be Prosecution Exhibit 59. This is a letter initiated by the defendant Rudolf Brandt directed to Dr. Rascher, dated 27 April 1942:

"Dear Comrade Dr. Rascher:

"The Reichsfuehrer has seen your letter of 16 April 1942. He has shown the same interest in this report as in the one you sent recently. He would like you to make up for him an overall report on the experiments carried out to date, which he would like to present personally to General Fieldmarshal Milch.

"Kind regards to your wife and yourself.

"Heil Hitler!

"Yours

"Rudolf Brandt."

If your Honors would care, you can again observe the initials of R. B. on this document and compare it to the previous one.

(The document was shown to the Tribunal.)



The letter referred to in here by Rudolf Brandt which "the Reichsfuehrer has seen", as I recall, is the letter which I read, Your Honors, on the four extreme death cases which Rascher conducted after discovering this long continued heart action of a person who had apparently died.

THE PRESIDENT: At this time the Tribunal will take a recess for fifteen minutes.

(a recess was taken)

THE MARSHAL: The Military Tribunal is again in session.

MR. McHANEY: If the Tribunal please, at this time I would like to ask that the witness Wolfgang Lutz be called to the stand to testify.

WOLFGANG LUTZ, a witness, took the stand.

DR. ROBERT SERVATIUS (Counsel for defendant Karl Brandt): Mr. President, we were to be told 24 hours in advance if a witness was to be called to the stand, but we were not told. We are not in a position to cross-examine this witness; at least, we have not had an opportunity to talk to our clients. Considering the great extent of the material, an announcement is absolutely essential. Therefore, I object to the examination of the witness at this time.

THE PRESIDENT: We will now hear from the prosecution.

MR. McHANEY: May it please the Tribunal, we filed yesterday morning, as I recall, a notice that we would call Wolfgang Lutz to testify with respect to the high altitude experiments conducted at Dachau, as the rules of the court so provide. I received a return of service from the Secretary General of the Tribunal. Now I cannot say that this notice was in fact delivered to the Defendants(Information Center; that I do not know. If it has not been done and Your Honors feel that the cause of justice requires, we can, without considerable inconvenience, postpone the testimony of this witness until either later this afternoon or tomorrow morning. I do not wish to take any unfair advantage of the defense.

The testimony, I might add, which this witness is expected to give, deals with a rather important point, but at the same time a quite limited one, and it affects primarily the defendant Wetz.

THE PRESIDENT: I would ask the representative of the Office of the Secretary General if the notice served, with return of service, may be produced here.

I would ask counsel for the defendant Olts if he has received a copy of this notice that the witness would be called.

MR. WILIE (Counsel for defendant Olts): I did not receive any announcement, and, if I may, I should like to support the suggestion of my colleague, Dr. Servatius, that the examination of the witness be postponed until tomorrow.

THE PRESIDENT: We are awaiting a report from the Office of the Secretary General as to what happened with this notice. Rather than further delay the proceedings, the Tribunal will rule that the witness may not be placed upon the stand at this time. It should be seen to today that the defendants receive a copy of this notice that the witness will be called tomorrow morning at some time which you may specify. At what time tomorrow will you desire to place the witness upon the stand?

MR. McHANEY: Well, it might depend a little bit upon what stage of the case we adjourn at this afternoon. Certainly, I see no reason why we could not bring him to the stand the first thing tomorrow morning.

THE PRESIDENT: I assume that will be satisfactory to everybody, if the defendants get their notice.

MR. McHANEY: I assume they are now on notice.

THE PRESIDENT: I don't know whether the notice should give something of the facts as to which the witness will testify. That is the only point.

MR. McHANEY: If Your Honor please, on the point about the facts as to which he will testify, I take it that the prosecution is not required to do more than to indicate the general subject about which he will testify.

THE PRESIDENT: The witness is testifying as an expert or witness to the facts, and I think some slight indication of what facts is the rule.

We will proceed now with the introduction of the documents, and the

witness will be called some time tomorrow morning. The defendants are on notice that he will be called during the morning.

Counsel for the prosecution might now state whether this witness will be called as an expert witness or as a witness to the facts, and if so, a brief statement as to what portion of the facts.

MR. McELREY: If Your Honor please, the witness Lutz is being called to testify with respect to the facts only. He was, according to our information, an associate of Dr. Volts in his institute at Munich during the period with which we are here concerned, namely, during 1941 and 1942. I will ask him questions concerning Dr. Volts's relationship to the high altitude experiments conducted at Dachau during 1942.

THE PRESIDENT: Defense counsel will take notice of the statement of the prosecution.

The witness will be excused at this time.

(The witness Wolfgang Lutz retired).

MR. MCHEANEY: We had come to Document No. 264, which will be Prosecution 60, which appears on Page 73 in the English document book.

And it is another memorandum dictated by Mrs. Rascher to an official in the SS. It is headed as a "File note for SS-Obersturmführer SCHMITZER."

(Reading) "MRS. RASCHER was here today in the office and stated the following to me for you in a few words:

Oberstabsarzt Dr. WELZ still insists on participation in the experiments and full responsibility. If not, the assignment of Dr. RASCHER to the Institute Wels must be changed. Wels personally is not interested in these experiments. RM asks Oberstabsarzt Dr. Wels, how long the experiments will last and whether it is justifiable to detail a medical officer for so long a time. RM demands from WELZ an opinion on the experiments which he, however, cannot give, unless he is fully informed about them. W. will be in Berlin with Generaloberstabsarzt HIPPE on Friday. WELZ demands a statement by Friday as to whether he should consider himself as still participating in the experiments, or whether it is requested that he should not participate in the experiments.

The assignment of Dr. RASCHER must immediately be changed to "Assignment to Aviation Test Institute Berlin-Adlershof, Aussonstello Dachau" (not Institut WELZ), because Wels - as he stated - intends to cancel the assignment immediately, if he is not to participate in it."

MR. MCHEANEY: And then there is a note:

(Reading) "For personal confidential information:

Dr. WELZ confidentially informed Dr. Rascher that there is great mistrust against him in the RM because of the experiments: (SS-membership) there is also animosity in the air force administrative command (Luftgau) Munich for this reason."

MR. MCHEANEY: It is dated: "Munich, 25 April 1942" and its origin is Munich. This memorandum undoubtedly went to the personal staff of the Reichsführer of the SS and there is a report by Mrs. Rascher on the perhaps strange relationship existing between Dr. WELZ who is not permitted by Rosenberg and Rascher to participate to the extent which he would like in these experiments at Dachau. And

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we see that Wels apparently had the power with Generaloberstabsarzt (Dr. Hippke) to say whether or not the experiments should be continued. In other words, here, again we find, an opportunity given to terminate these murderous experiments, and, yet, they continue throughout the month of June and a part of July.

The next document is No. 220a and 220b and these will be Prosecution Exhibit 61. (Reading) "File note for SS-Obersturmfuehrer SCHNITZLER". That will be Prosecution Exhibit No. 61.

Your Honors might be interested in looking at the cover letter, which I am about to read; I call attention to the heavy pencil on the face of the document. You will see on the face of the document the initials of Heinrich Himmler, written apparently in crayon or heavy pencil on the face of the document.

MR. MCHANEY: (addressing the Secretary) will you pass that up, (handing gentleman document) for just a moment, Mr. Tavis?

MR. MCHANEY: (continuing) The first part of this exhibit is a cover letter to the further report on the Dachau experiments, to cover the letters of 11 May 1942. It is from SIGMUND RASCHER, to his "Highly esteemed Reichsfuehrer:"

(Reading) "Enclosed I am forwarding a short summary on the principal experiments conducted up to date. A detailed report on the practical as well as the theoretical results will take some more time. I shall hurry. Since the material has to be processed the exploitation of the pathological preparations will take about 1/2 year thru the Kaiser Wilhelm Institute for Brain Research."

MR. MCHANEY: Not That should read:

(Reading) "though the Kaiser Wilhelm Institute for Brain Research will help us, I hope."

"Tonight I succeeded in seeing Dr. Fehrenkamp who has relatively recovered. He appeared to be very interested and I think there will be a fine and fruitful cooperation. Dr. Fehrenkamp who has an enormous knowledge most amiably promised to help me in everything. His opinion on my heart experiments he will give to you himself. From our conversation I have had the impression that a great field of work will open up to me yet. I thank you, highly esteemed Reichsfuehrer, for having opened these opportunities to me to such an extent.



"Unfortunately the extension of my assignment has not been settled yet; in accordance with the present regulations my assignment will be terminated on May 15.

Thanking you again I am with most obedient greetings and

Heil Hitler

Yours gratefully,

/s/ S. Rascher." (End of quote)

MR. MCHENEY: It may be observed, among other things, that these detailed experiments at Dachau had been extended from the 15 April to the 16 April in the same month. We will see, in a few moments, that it was extended again. The report attached to this letter is also dated "11 May 1942".

(Reading) "Secret Report"

"Based on results of experiments which up to now various scientists had conducted on animals only, the experiments in Dachau were to prove whether these results would maintain their validity on human beings.

"1. The first experiments were to show whether the human being can gradually adapt himself to higher altitudes. Some ten tests showed that a slower ascent without oxygen taking from six to eight hours kept the functions of the senses of the various tested persons (human experimental subjects) fully normal up to a height of 8,000 meters. Within 8 (eight) hours several tested persons had reached a height of 9.5 kilometers without OXYGEN when bends occurred suddenly.

"2. Normally it is impossible to stay without oxygen at altitudes higher than six kilometers. Experiments showed however that after ascent to 8000 meters without oxygen, bends combined with unconsciousness lasted only about 25 minutes. After this period the tested persons had mostly become accustomed to that altitude; consciousness returned, they could make kneebends, showed a normal electrocardiograph and were able to work (60 to 70% of the cases examined.)

"3. Descending tests on parachutes (suspended) without oxygen.

These experiments proved that from 14 kilometers on down severest bends occurred which remained until the ground was reached. The detrimental effects caused by these experiments manifested themselves at the beginning as uncon-

consciousness and subsequently as spasmic and limp paralysis, catatony, stereotypy, and as retrograde amnesia lasting several hours. About one hour after the end of the experiment the tested persons for the most part were still disoriented as to time and locality. The blood picture often showed a shift to the left; albumen and red and white blood corpuscles were regularly found in the urine after the experiment; cylinders were sometimes found. After several hours or days the blood and urine returned to normal. The changes of the electrocardiograph were reversible.

"Contrary to descending tests on parachutes without oxygen, descending tests with oxygen were carried out from heights up to 18 kilometers. It was proven that on the average the tested persons regained the normal function of their senses at 12 to 13 kilometers. No disturbances of general conditions occurred during any of these experiments. Brief unconsciousness at the beginning of the experiment caused no lasting disturbances. Urine and blood showed only a slight change.

4. As the long time of descent of parachutes, under actual conditions, would cause severe freezing even if no detrimental effects were caused by lack of oxygen, tested persons were brought by sudden decreases in pressure with cutting torch from 8 to 20 kilometers, simulating the damage to the pressure machine of the high altitude airplane. After a waiting period of 10 seconds, corresponding to stepping out of the machine, the tested persons were made to fall from this height with oxygen to a height where breathing is possible. The tested persons awoke between 10 and 12 kilometers and at about 8 kilometers pulled the parachute lever.

"5. In experiments of falling from the same height without oxygen the test persons regained normal function of their senses only between two and five kilometers.

"6. Experiments testing the effect of Pervitin on the organism during parachute jumps, proved that the severe after-effects, as mentioned under No. 3, were considerably milder. The ability to withstand the conditions at high altitudes was only slightly improved, while the bends....."

The translation is a little garbled there. I think it should read:

...while the bends occurred suddenly due to the restraint-loosening effects of Pervitin.

"7. Dr. Kliches, Karls-University in Prague, reports in the publication of the Reich Research Council: 'By prolonged breathing of oxygen, human beings should theoretically be kept fully fit up to 13 kilometers. Practically the limit is around 11 kilometers.'

"Experiments which I carried out in this connection proved that with pure oxygen no lowering of the measurable raw energy was noticeable up to 13.3 kilometers. The test persons merely became unwilling since pains of the body cavities grew too severe, due to the lowering of pressure between body and thin air. When pure oxygen was inhaled bends occurred in all 25 cases only at heights above 14.2 kilometers.

"As practical result of the more than 200 experiments conducted at Dachau the following can be assured:

"Flying in altitudes higher than 12 kilometers without pressure-cabin or pressure-suit is impossible even while breathing pure oxygen. If the airplane pressure machine is damaged at altitudes of 13 kilometers and higher the crew will not be able to bail out of the damaged plane themselves since at that height the bends appear rather suddenly. It must be requested that the crew should be removed automatically from the plane, for instance, by catapulting the seats by means of compressed air. Descending with opened parachute without oxygen would cause severe injuries due to the lack

of oxygen besides causing severe freezing; consciousness would not be regained until the ground was reached. Therefore the following is to be requested: 1. A parachute with barometrically controlled opening. 2. A portable oxygen apparatus for the jump.

"For the following experiments Jewish professional criminals who had committed Rassenschande..."

which means race pollution

...were used: The question of the formation of embolism was investigated in 10 cases..."

Embolism, your Honors will recall, is a blockage of the blood circulation.

...Some of the test persons died during a continued high altitude experiment; for instance, after one-half hour at a height of 12 kilometers. After the skull had been opened under water an ample amount of air embolism was found in the brain vessels and, in part, free air in the brain ventricles.

"To find out whether the severe physical effects, as mentioned under No. 3, are due to the formation of embolism, the following was done: After relative recuperation from such a parachute descending test had taken place, however before regaining of consciousness, some test persons were kept under water until they died. When the skull and the cavities of the breast and of the abdomen had been opened under water, an enormous amount of air embolism was found in the vessels of the brain, the coronary vessels, and the vessels of the liver and the intestines, etc.

"That proves that air embolism, so far considered as absolutely fatal, is not fatal at all, but that it is reversible as shown by the return to normal conditions of all the other test persons.

"It was also proved by experiments that air embolism occurs in practically all vessels even while pure oxygen is being inhaled. One test person was made to breathe pure oxygen for two and one-half hours before the experiment started. After six minutes at a height of 20 kilometers he died at dissection also showed 14.15

air embolism as was the case in all other experiments.

"At sudden decreases in pressure and subsequent immediate falls to heights where breathing is possible, no deep reaching damages due to air embolism could be noted. The formation of air embolism always needs a certain amount of time. (Signed) Dr. RASCHER."

I think this document requires very little comment but I would like to say that it indicates most clearly the type of so-called criminals which these men were experimenting upon. They were not criminals, sentenced by a court and competent jurisdiction for a crime which is known to any civilized society.

They were men who were marked for death — certainly not condemned to death — marked for death, I say, because the particular Jew had had intercourse with an Aryan or vice versa. That was the type of criminal that had been marked for death and which these defendants felt that it was morally justifiable to use in experiments of this type.

I move now to Document 343-a-23, which will be Prosecution Exhibit 62. This letter indicates, if the Tribunal please, that knowledge and participation in these criminal experiments reached into the very top echelons of the Luftwaffe. We have here a letter from Erhard Milch, Secretary of State for Air, to "Dear Wolffy" which is a reference to Karl Wolff, who was Chief of the Personal Staff of Heinrich Himmler at this time. As will appear from the document, Karl Wolff was acting as the liaison officer between Heinrich Himmler and Erhard Milch in these experiments conducted for the benefit of the Luftwaffe. This letter is dated 20 May 1942:

"Dear Wolffy!

"In reference to your telegram of 12 May, our medical inspector reports to me that the altitude experiments carried out by the SS and Luftwaffe at Dachau have been finished. Any continuation of these experiments seems essentially unreasonable. However, the carrying out of experiments of some other kind, in regard to perils on high seas, would be important. These have been prepared in immediate agreement with the proper offices;

Oberstabsarzt Felts will be charged with the execution and Stabsarzt Rascher will be made available until further order in addition to his duties within the Medical Corps of the Luftwaffe. A change of these measures does not appear necessary and an enlargement of the task is not considered pressing at this time.

"The low-pressure chamber would not be needed for these low-temperature experiments. It is urgently needed at another place and therefore can no longer remain in Dachau.

"I convey the special thanks from the supreme commander of the Luftwaffe to the SS for their extensive cooperation.

"I remain with best wishes for you in good comradeship and
with

Heil Hitler !

Always yours

(signed) E. Milch "



Here again is a reference to the length of time which Rascher will be detached to Dachau for the purposes of conducting the low-pressure experiments and as indicated here, Milch is of the opinion that they had been concluded. However, we shall see in a moment that this judgment at this time subsequently changed and that Rascher continued his experiments in cooperation with Ruff and Romburg for another 30 days. This also indicates that the Luftwaffe was interested in human experimentation on freezing problems. He makes the reference "experiments in regard to perils at high seas" with reference to the occasion upon which German aviators were forced to parachute into the North Sea and were for extended periods of time subjected to the cold water. They were interested in trying to determine the most effective means of reviving such people. This letter also indicates, I think, since it is stated that Oberstabsarzt Felts will be charged with the execution of the freezing experiments and Stabsarzt Rascher will be made available until further notice, I say it seems to me that this indicates that Felts and Rascher were still in close relationship at this time and that Felts was, in fact, the superior of Rascher.

The next document is No. NO-261 which will be Prosecution Exhibit 63. As I stated a moment ago, we here find the proof that Hippke and Milch agreed to let the low-pressure chamber remain at Dachau for a further period of time. The letter is dated 4 June 1942, from the State Secretary of Aviation and Inspector General of the Luftwaffe, who is Erhard Milch, and it is addressed to Dear Herr Hippke, who was Chief of the Medical Inspectorate of the Luftwaffe, and states:

"According to the agreement with the Reichsfuhrer SS, the low-pressure air chamber for experiments in the neighborhood of Munich is still to be available for two months longer.

"Moreover, the Stabsarzt Dr. Mascher is, in addition to his tests in the Luftwaffe, to be on duty for the present for the purposes of the Reichsfuhrer SS.

Heil Hitler ! "

This is in fact a copy of the letter which was sent to Hippke by Milch and this copy was forwarded by Milch to SS Obergruppenfuhrer and General of the Waffen-SS Wolff for his information and his name appears in writing at the bottom of the letter.



We now come to Document 284, which will be Prosecution Exhibit 65 - garden so that is Prosecution Exhibit 64. This is a letter presumably from Rudolf Brandt, although I cannot make out his initials on the Document, it is signed "Yours - SS Obersturmführer" and it comes from the office of Himmler. It reads as follows:

"Dear Dr. Rascher: Your letter of 5 June 1942 to Reichsführer-SS was handed SS-Obergruppenführer MELF, Chief of Reichsführer-SS personal Staff, for further action, on whose behalf I wish to inform you that in keeping with an order of Field Marshal MICH the low-pressure chamber is to remain available an additional two months for experiments. Field Marshal MICH also ordered that in addition to your experiments for the Luftwaffe, also you are to continue working until further notice for the purposes of Reichsführer-SS.

"It is truly very deplorable that during your absence from Schongau the staff of your medical office was perverted by so many ministers. Consequently the Reichsführer-SS approves of your going for about a fortnight to Schongau - after the period of evaluation in Berlin, for the appropriate initiation there of Unterarzt Dr. SIEBER.

Now, Your Honor, will recall that during the presentation yesterday morning during the presentation of the defendants and the organizations in which they were active, we submitted as Prosecution Exhibit No. 33, Document No. 422, which was the letter to Siewers, ordering him to establish an Institute for Military Scientific Research within the Ahnenerbe. I promised the Tribunal at that time that the references made during that time would be cleared through the presentation of the evidence.

Thus far, we have given some information as to the experiments conducted at Dachau. You will recall that in this letter, by order of Heinrich Himmler, Richard Brandt was telling SS Obersturmführer Siewers to establish this Institute and make use of the facilities available in Dachau. We have also seen from the exhibits, which have gone in this morning, that the Defendant Siewers had witnessed experiments in Dachau and reported on them to the Reichsführer SS and there was some talk of taking Rascher into the Ahnenerbe to work under its auspices. We shall see in fact that that is what happened.

We now come to Document 1607-A PS, which will be Prosecution Exhibit 65. This is a letter, written by Rascher, to the Defendant Rudolf Brandt and if the Tribunal will observe at the top of the letter, you will see that the letterhead reads "Stabsarzt" Dr. Rascher.

JUDGE SHERING: Mr. McHale; appearing in this Document book, after No. 284 is a Document No 422, entitled "Operational Headquarters - 7 July 1942".

MR. McHALEY: Yes, your Honor.

JUDGE SHERING: Was this Document to be introduced out of order, or in the course of Exhibit 64?

MR. McHALEY: I tried to explain, Your Honor, but apparently I did not make myself clear. Document No. 422 was introduced yesterday morning as Prosecution Exhibit No. 33. I included the Document in this book rather than have it in Document Book No. 1.

JUDGE SHERING: You mean that you merely have it there as a reference of convenience?

MR. McHALEY: That is right, yes sir. I was remarking that in Document 1607-A PS, which is Prosecution Exhibit 65, the letterhead reads "Stabsarzt" Dr. Rascher - "Anstaltsarzt" HT-SS, so we see that by 20 July 1942 the notorious Dr. Rascher was a member of the Institute for Military Scientific Research within the Anstaltsarzt Society, which was launched by the Defendant Sievers. The letter is to the Defendant, Rudolf Brandt.

"Enclosed, please find a copy of the work of myself and Dr. Rascher, 'Experiments for rescue from high altitudes.'"

"On 14 July, 1942, I was ordered by the Reichsfuehrer SS to send you the above-mentioned report. The Reichsfuehrer wants that report to be forwarded to General Field Marshal Milch, accompanied by a letter from him, asking Milch to receive Rascher and me for a lecture. I believe to have understood correctly, that the Reichsfuehrer thought, you would submit to him a letter to that effect for his signature.

"I was very glad to hear that the Reichsfuehrer was satisfied with the result of the work at Dachau and with the film, and that he ordered an intensive continuation of the work in that field.

"I recommended Dr. Raaberg for the War Merit Cross, on the request of SS Oetbf. Sievers. SS Standf. Dr. Just ordered me to notify you here of.

"The Reichsfuehrer decided furthermore, on 14 July 1942, that the prisoner Sabota and the two prisoners who work in the dissection room in Dachau should be released and transferred to the group "Dirlewanger". The exact names are in possession of SS Oetbf. Sievers. The Reichsfuehrer has also issued an order to that effect to Major Buchenock.

"I thank you cordially for everything and remain."

(Signature) Dr. S. Raacher

I wish to remark that you will hear from certain of the defendants that persons who volunteered for these experiments were perhaps promised their freedom. This letter indicates that those prisoners who consented to work with Raacher in his murderous activities, who took part in the dissection of the bodies of the unfortunate victims, were perhaps to be given some favors because of their kind assistance to him. Here he mentions three such prisoners who were to be released and transferred to the group "Dirlewanger". The court might be interested in knowing that was an SS military unit, which was recruited exclusively or almost exclusively and at least in large measures from concentration camps. They undertook a recruiting program and tried to obtain some people whom they thought would operate very well in such a group as the "Dirlewanger" was.

We now come to Document No. 492, which will be Prosecution Exhibit No. 66. This, your Honor, consists of a covering letter for the final report made by the Defendants Raaberg and Ruff and the deceased Dr. Raacher on the High Altitude Experiments at Dachau. The covering letter is dated 29 September 1942, addressed to the Reichsfuehrer-SS. It is from the German Experimental Station for Aviation Inc., Berlin-Mittelese. This, your Honor, will recall was a department for Aviation Medicine, which was in charge of the Defendant Ruff. The previous letter, which I read from Raacher to Rudolf Brandt states that he is enclosing a final copy of the work done by himself and Dr. Raacher. We did not find the report to that letter, instead we found it with the letter here, which is now before the court as Prosecution Exhibit 66. This letter is signed by Raaberg and Ruff. It simply states:

"Enclosed we submit copies Nos. 2, 3 and 4 of the report 'Experiments on rescue from high altitudes' for your files."

There seems to be a hand written note down in the corner, stating that Report 3 was received 2 November by aivars.

I now come to the report itself. It is long and I do not think it would be worth while for me to read it in its entirety. I am sure that your Honors will wish to study it outside of the court room, as it gives a very detailed explanation of what was done and how it was done, exclusive, of course, of the details on the murders and tortures which have been proved by the Documents thus far submitted. I would like to read a few excerpts from this Document beginning on Page 83 of the English Document Book. At the top it states:

"A report is to be made on experiments in which the possibility of rescue from high altitudes in the low pressure chamber is studied. Experiments were made at parachute sinking speeds up to 15 km., (47,000 ft.), without oxygen and up to 18 km. (59,000 ft.), with oxygen breathing, as well as falling experiments speeds up to 21 km., (68,000 ft.), altitude with and without oxygen. The results with practical significance will be discussed below."



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Then they give an index to the report. At the bottom, signing for the DLV Institute is the defendant Ruff. The authors are noted as Dr. Weacher and Stabsarzt der Luftwaffe, I think, probably refers to Weacher. Rosenberg's name appears below that. Then the note on the bottom states that: "These studies were carried out in conjunction with the research and instruction association 'Das Abwehrkorps'. That is the organization of which the defendant Siavers was Reich Business Manager. The report is dated 28 July 1942.

Turning to the next page, I think it might be useful just to read the introduction and a little of the procedure of the experiment to make it a little more clear precisely what these men were trying to do and how they were going to do it.

"I. Introduction and Statement of the Problem. It is theoretically possible for man to reach as high an altitude as he may wish in an aircraft with a pressure cabin. However, the question must be settled as to what results or effects the destruction of the pressure cabin will have upon the human being who in such cases is exposed in a few seconds to the low air pressure and thereby to the lack of oxygen which is characteristic of high altitude. Of particular practical interest is the question from what altitudes and by what means the safest rescue of the crew can be gained. In the work at hand, a report is presented on experiments in which were studied the various possibilities of rescue under special experimental conditions. "Ince the urgency of the solution of the problem was evident, it was necessary, especially under the given conditions of the experiment, to forego for the time being the thorough clearing up of purely scientific questions.

"II. Procedure of the Experiment. The experiments were carried out in a portable low pressure chamber with equipment for explosive decompression. The performance of this apparatus limited the highest altitude attainable to about 25,000 meters or 82,000 feet.

"In this experimental series, which was to clarify the possibilities of rescue from high altitudes, the experiments, simulating actual conditions, were carried out in such a way that rescue with parachute unfolded (designated as jumping experiments) and with parachute folded (designated as falling experiments) were studied sometimes with and sometimes without

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oxygen breathing. Since the altitude or posture of the body is of essential significance for the demands made by the lack of oxygen on the circulation, the experiments were carried out in sitting and prone positions; and, in descending experiments, in a suspended position in a parachute harness corresponding to the actual position."

The Court will recall that in the pictures which we have submitted as Prosecution Exhibit 41 you can see in a great number of pictures the experimental subject being suspended in a parachute harness.

"For the purposes of demonstration certain of the experiments were recorded on film. Electrocardiograms were made of several experiments in the experimental series. Oxygen was breathed out of the customary low pressure apparatus with continuous flow at altitudes over ten kilometers, 32,800 feet. The following experimental sequence was chosen: 1. Descending experiments without oxygen breathing; 2. Descending experiments with oxygen breathing; 3. Falling experiments without oxygen breathing; 4. Falling experiments with oxygen breathing."

Now, on the following pages the Court is given the results of the experiments in rather technical language and I think it would probably not be helpful to have me read that in this language here. Accordingly, I would like to have the Tribunal turn to page 88 of the English Document Book which is noted as page 13 of the original German, and I would like to read a running description which is there given of the reaction of one of these miserable experimental subjects. It states that: "Descending experiments were made in larger numbers from 15 kilometers altitude, since it became evident that at this altitude the approximate limits

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for what was possible in emergencies had already been reached essentially surpassed. After an ascent made as rapidly as possible, using oxygen apparatus with free flow the mask was removed immediately upon attaining 15 kilometers, which is 47,200 feet, altitude and the descent was begun. Since the results of these descending experiments were very typical and especially impressive it is necessary to present one of these experiments in detail. The protocol of an experiment will be represented as follows:

"At 47,200 feet, the subject lets the mask fall, severe altitude sickness, spasmodic convulsions. At 45,580 feet Opiethotonus. / which, if your Honors



please, means the reaction of the spine which is typically associated with tetanus or lockjaw. "At 44,930 feet, arms stretched stiffly forward; sits up like a dog, legs spread stiffly apart. 44,950 feet, suspended in opisthotonus. At 43,310 feet, areal convulsive breathing. At 40,030, dyspnea, lungs limp. 23,520 feet, uncoordinated movements with the extremities. 19,590 feet, clonic convulsions and growling. 18,080 feet, yells aloud. 9,520 feet, still yells convulses arms and legs, head sinks forward. 8,560 feet to zero feet, yells spasmodically, grinnings, bites his tongue, does not respond to speech, gives the impression of someone who is completely out of his mind. 5 minutes after reaching ground level, reacts for the first time to vocal stimulation. 7 minutes attempts upon command to arise, says in stereotyped manner: "No, please". 9 minutes, stands up on command; severe ataxia; answers to all questions: "Just a minute", tries spasmodically to recall his birth date. 10 minutes, typical stereotypes of attitude and movement; mumbles number to himself. 11 minutes, holds his head turned convulsively to the right; tries repeatedly to answer the first question concerning his birth date. 12 minutes, questions of the subject: "May I slice something?" (Note. In civilian work he was a delicatessen clerk) "May I pant, will it be alright if I inhale?" Breathes deeply, then says "Alright, thank you very much." 15 minutes, on being ordered to walk, stops forward and says: "All right thank you very much". 17 minutes, gives his name; says he was born in 1928 (born 1 November 1908). Experimenter asks: "Where?" "Something 1928". "Profession?" "28-1928". 18 minutes, "May I inhale?" "Yes". "I am content with that". 25 minutes, still the question continues: "Pant?", 26 minutes, does nothing, runs against open window sash upon which the sun is shining, a faint large lump is formed, on his forehead; says: "Excuse me please". No expression of pain. 30 minutes, knows his name and place of birth. Upon being asked for the day's date: "1 November 1928". Shivering of the legs; stupor continues; cannot be frightened by the report of a shot. Dark objects are still not discerned; subject bumps against them. Is aware of bright light; knows his professio

gradually disoriented. 37 minutes, reacts to pain stimuli. 40 minutes, begins to observe differences, falls continually into his previous speech stereotypes. 50 minutes, specially oriented. 75 minutes, still disoriented in time; retrogressive amnesia over three days. 34 hours, normal condition again attained; has no recollection of the experiment itself.*

and so is the description of the tortures which these experimental subjects



were forced to endure, these who managed to live through the experiment itself.

On page 91 of the English Document Book, which is on pages 16 and 17 of the original, we find a most interesting description of the experiences which the defendant Rosenberg and the deceased Dr. Rascher had in an experiment upon themselves in this low pressure chamber and they have been good enough to detail this in report. It reads as follows:

"In spite of the relatively large number of experiments, the actual cause of the severe mental disturbances and bodily failures (paralysis, blindness, ataxia) attendant upon post-hypoxic twilight state remains something of a riddle. It appeared often as though the phenomena of pressure drop sickness (aerobolism) had combined with the results of severe oxygen lack. In this connection, the subjective accounts made by the authors in two experiments each were interesting. In the case of Ro... "who, your Honors, is Rosenberg..." during a half hour stay at 13 kilobars with oxygen, only the usual pains attendant with bonds occurred.



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" In a further experiment with a stay of 40 minutes duration at an altitude of between 13 and 13.5 kilometers, there developed very gradually a condition of weakness combined with a peculiar headache, which then led to a considerable slackening of strength in the arms and hands. As a result of this, Rosberg could no longer hold the breathing mouthpiece (for special reasons in these experiments, Rosberg had to breathe with a mouthpiece and nose clamp) so that it slid out of his mouth. All of these phenomena were still clearly observed by Rosberg. Rascher returned the mouthpiece to Rosberg. However at this point Roscher failed rather suddenly with paleness, strong cyanosis of the lips and complete unconsciousness. After Rosberg had regained clear consciousness through descent and sufficient oxygen breathing, he determined the existence in himself of a complete paralysis of the legs, weakness of the arms and severe disturbance of vision. These serious disturbances developed although the time of oxygen lack and unconsciousness had lasted only about five seconds. Following descent soon after this to 0 kilometers, the paralysis of the legs continued for about five minutes more and the very severe visual disturbances only cleared up after two hours. While this episode of Rosberg's occurred in an experiment at special altitude, the disturbances occurred in Rascher at an altitude between 12 and 12.5 kilometers (that is, up to 41,000 feet) while he was breathing sufficient oxygen with a mask and continuous flow into the circuit. After ten minutes stay at this altitude, pains began on the right side with a spasticparalytic condition of the right leg which increased continually as though Rascher's whole right side were being crushed between two presses. At the same time there were most severe headaches as though the skull were being burst apart. The pains became continually more severe so that at last the discontinuation of the experiment became necessary. The pains disappeared when ground level was reached while the disturbances of the right leg continued about five minutes more.

Shortly before the second experiment, Rascher took two tablets of

"Artinauralgia" (a coal tar derivative) and two tablets of Furvitin. In the course of the experiments there occurred only light pains in the right arm and leg, moderate headache, but a very severe uncontrollable urge to cough, actually less severe difficulties than in the foregoing experiment, although this one was made at 1000 meters higher.

Rosberg experienced disturbances which in quality resembled the severe disturbances in the 15 Kilometer sinking experiment, although the degree of oxygen lack in this experiment was negligible in comparison to the 15 Kilometer experiment, so that the idea of a combination of pressure drop headache with the phenomena of oxygen lack is definitely suggested."

"I would like to say, Your Honors, that this report on the subjective reaction of the Defendants Rosberg and Rascher should put at rest any claims by any of these Defendants that these high altitude experiments were not painful. It very clearly states: "Rascher's whole right side felt as if it were being crushed between two prusses; his skull felt as if it were being burst apart."

It should also be pointed out that the pains became continually more severe so that at last the discontinuance of the experiment became necessary. There is no known case in which these experimenters discontinued an experiment on their unfortunate victims because they were suffering pain.

On Page 96 of the Document Book, I would just like to make one comment. You will note that these experiments were testing the possibilities of rescue from a damaged airplane at extremely high altitudes and they were studying the effects of a parachute jump from high altitudes, both with the opening of the parachute very hurriedly and with the parachute folded with a long free fall. I just would like to say, by way of comment, that while some of these experiments were extended to heights in excess of 60,000 feet, there were, in fact, in the United States Air Force very few recorded jumps in excess of 15,000 feet.

I wish also to point out the conclusion on page 97. The report reads:

"In conclusion, we must make it particularly clear that, in view of the extreme experimental conditions in this whole experimental series, no fatality and no lasting injury due to oxygen lack occurred."

That, of course, is an entirely false statement, as the proof has indicated.

Your Honors might note, while we are still on this report, on page 99 at the bottom, where the bibliography is given and the names Lutz and Wendt, this is the same Wolfgang Lutz who was called to testify this morning and who will give his testimony tomorrow morning. His collaborator in that report, Wendt, and Lutz, were both associated with the defendant Volts at the institute in Munich.

I come now to Document 1607.

THE PRESIDENT: I want to ask you, in connection with this report, is that a portion of Exhibit 66?

MR. McLENNAN: What is that, Sir? The bibliography?

THE PRESIDENT: No, this report to which you have just referred, document No. NO-402.

MR. McLENNAN: Yes, sir, that is a part of Exhibit 66. Exhibit 66 includes the cover letter from Ruff and Ramborn to the Reichsfuehrer plus the report.

THE PRESIDENT: I wanted to be sure.

MR. McLENNAN: I come now to Document 1607-b-P8, which will be Prosecution's Exhibit 67. It is dated 25 August 1942. It is a letter from Heinrich Himmler to General Field Marshal Milch.

"Dear Milch: Enclosed please find a report about experiments for rescue from high altitudes, which have been carried out by Stabsarzt Dr. E. Rascher and Dr. H.W. Ramborn. I saw a film produced by Dr. Rascher. I consider the results of these experiments as so important for the Luftwaffe, that I beg you to receive Dr. Rascher and Dr. Ramborn for a lecture and the presentation of the film. I am convinced that, after having seen the film, you will also refer the matter to the Reich Marshal, because of its importance." The reference, Your Honors, is to Goering. "I would be obliged if you could let me know your opinion in due time. Friendly greetings, Heil Hitler. Heinrich Himmler."

The report which Himmler sent to Milch being, of course, the report which

was presented as Exhibit 66.

We now come to Document DO-221, which will be Prosecution's Exhibit No. 68. This is a letter from Sievers to "Dear Comrade Brandt". The letterhead is "The Anenarbe, The Reich Business Leader, Dr. Rascher writes me:



On 14 July the Reich Fuehrer SS ordered me to send the report on low pressure chamber experiments to Obersturmbannfuhrer Dr. Brandt and at the same time to remind him of the fact that the Reich Fuehrer ordered this report together with the Reich Leader's covering letter to be sent to Field Marshal Milch stating that Milch, Rosenberg and myself were requested to report to him in order to submit this information. I executed this order on 20 July. As I have heard nothing about it up to now and was also not ordered to report to Milch nor to Generalabsarzt Prof. Dr. Hynke, I presume that the matter was reported without me. Can you find out? I do not share this presumption of Rascher, for who else would have given the report except Rascher and Rosenberg? I take it for granted that you sent the report to Field Marshal Milch, but that Field Marshal Milch has had not time so far to open the report. Have you heard anything relative to this? Furthermore, Dr. Rascher requests the approval for the publication of the purely scientific results. I shall inquire of Dr. Rascher in what form and to what extent he conceives these publications. I believe that he can agree to it in the event of publication being made in the corresponding form. Yours very truly, Adolf Hitler. Yours (signed) Goebbels."

Here we see the Reich Business Leader Goebbels smoothing the way and taking care of his scientific associates in the Institute for Military Scientific Research, one of whom was Dr. Rascher.

THE PRESIDENT: The Tribunal will now recess until 1:30 o'clock.

(A recess was taken until 1350 hours)



COLLECTED COPY

AFTERNOON SESSION

(The hearing recommenced at 1330 hours, 11 December 1946.)

THE MARSHAL: The Honorable Judges of the Military Tribunal. The Military Tribunal is now in session.

MR. EADIE: May it please the Tribunal, Mr. McHoney has introduced Document NO-221, referring to the correspondence of Sievers to Brandt in regard to Rascher's position and his reports to Field Marshal Milch. We will now look to the sequence of events in this regard. We will introduce Document NO-222 carrying Exhibit No. 69. This is a letter from Rudolf Brandt to the Defendant Sievers.

"SS Untersturmfuehrer Dr. Rascher's supposition is not correct. The letter of the Reichsfuehrer SS by which he transmitted the report to General Field Marshal Milch was only signed and sent off a few days ago. I assume that the General Field Marshal Milch will of himself give the necessary orders and then confine himself to sending a brief answer to the Reichsfuehrer SS.

"I enclose a copy of the Reichsfuehrer SS's letter dated 25 August 1942 for your information."

Now in answer to this letter we have Milch writing to Heinrich Himmler acknowledging receipt of the report. This is Document 343-b-18 and Prosecution Exhibit No. 70. This letter is dated 31 August 1942 on the stationery of Field Marshal Milch.

"Dear Mr. Himmler: I thank you very much for your letter of the 25 August. I have read with great interest the reports of Dr. Rascher and Dr. Zuehlke. I am informed about the current experiments. I shall ask the two gentlemen to give a lecture combined with the showing of motion pictures to my men in the near future.

" Hoping that it will be possible for me to see you at the occasion of my next quarters I remain with best regards and Hell Hitler, A. Mrs. E. Milch

This letter indicated the full cooperation of the Luftwaffe Field Marshal Milch in his hideous experiments.

We now turn to Document NO-223 which will be Prosecution Exhibit 71, page 105 of the Document. This is a letter from Rudolf Brandt to the Reichs-

fuehrer SS's office addressed to Dr. Rascher.

"Dear Comrade Dr. Rascher,

Field Marshal Milch has answered, in the meantime, the letter of the Reichsfuehrer SS of 25th of August, 1942. He writes that he intends to summon you and Dr. Rosenberg for a report in the near future."

A copy of this letter was likewise sent to the SS Obersturmbannfuehrer Sievers.

Document No. NO-289, Prosecution Exhibit No. 72, a letter from Professor Dr. Hippke, Professor Dr. Hippke was a Medical Inspector, Chief of the Medical Inspectorate, of the Luftwaffe. This letter is addressed to Heinrich Himmler, Reichsfuehrer SS, the subject of the letter -- referring to the letter of the 25th of August, 1942, to Secretary of State Milch concerning experiments for the rescue from great heights.

"Very Honored Herr Reichsfuehrer SS,

In the name of the German research on aviation-medical problems, I beg to thank you very obediently for the great help and all the interest shown in the Dachau experiments; these experiments form a supplement which is for us of great value and importance.

"The fact that an atmosphere with so little oxygen can be endured at all for some time is most encouraging for further research.

"It is true that no conclusions as to the practice of parachuting can be drawn for the time being, as a very important factor, viz. cold, has so far not yet been taken into consideration; it places an extraordinary excess burden on the entire body and its vital movements, so that the results in actual practice will very likely prove to be far more unfavorable than in the present experiments.

"In the meantime, the supplementary tasks required now have been begun; in part they will have to be finished only after completion of the new Research Institute for Aviation Medicine of the Reich Air Ministry, whose low pressure chamber will include all cold generating apparatus and also an installation for producing conditions up to a height of 30 km.

"Sub-freezing experiments in another direction are, in part, still being made at Dachau.

"When the work will need once more your sympathetic assistance, may I be allowed to get in touch with you again through Stabsarzt Dr. Rascher."

This letter purely indicates the Medical Inspectorate of the Luftwaffe is receiving reports and took a very active part in this work of Rascher's at Dachau.

We now turn to Document 1610-PS, Prosecution Exhibit No. 73. This is another interim report by Rascher to Reichsfuehrer SS, dated 9 October 1942.

"Most Honorable Reichsfuehrer,

"I ask for leave to submit to you the second interim report concerning the freezing experiments.

"At the same time I report that I have been ordered to the Luftwaffe conference on freezing, which is going to take place on October 26th to 28th.

"As in the interest of his scientific renown, Professor Holslochner declined to carry out the scientific utilization of the experiments (experiments made on human beings: for shame) I shall take over the exploitation of them through the University Institute of SS Obersturmfuehrer Professor Dr. Pfannenstiel at Marburg.

"The report to General Field Marshal Milch was not delivered. Milch ordered me to him on the 11th of September at 10 a.m. On my arrival I was asked to start the projection of the film: the State's Secretary, so I was told, would appear then. No precautions had been taken in order that only certain persons could gain admittance to that film. About 20 gentlemen were present. The only way in which the whole affair was organized was by rumors which went around in the different departments of the Ministry of Air (RLM) that "something interesting is going to take place at 11 a.m." To my regret I only heard about that later on.

"As at the end of the film the State's Secretary had not yet appeared, State's Secretary Field Marshal Milch, and as none of the Generals present had taken the presidency and nobody explained under what conditions this film was made. I felt induced, after a short conversation with Oberst Gallup, chief of the film room of the RLM, to get up and in accordance with the order of the Reichsfuehrer SS point out that the film was a military secret. Soon after the projection Romberg and I were told that the State's Secretary would

not come and we were asked to start the verbal report.

"I pointed out that I was charged by you, most Honorable Reichsfuehrer, to report only to Generalfeldmarschall Milch, and declined to give a report as no representative of the State's Secretary had been designated to receive it.

"My report to you, most Honorable Reichsfuehrer, comes so late for this reason: SS-Obersturmfuehrer Sievers wanted to report directly to you and asked Romberg, as a neutral (neither Luftwaffe nor SS) to give him on the 11th of September an oral report at the station, and invited him to write this report down and to send it to him at once. Dr. Romberg has not yet started this report, apparently because he fears that it might hurt his connections with the RLM.

"On the account of the ill-fated report-meeting at State's Secretary Milch's, they took it for granted at the RLM that my research involving the low-pressure chamber was no longer necessary. There are, however, so many unsolved problems that I must ask you to give me the possibility to continue my work with the low-pressure chamber. It has been understood with SS-Obersturmbannfuehrer Dr. Pfannenstiel that after these questions will be cleared, I shall work on this subject as professor with Professor Pfannenstiel.

"At the same time may I request of you that institutes which are not working at full capacity place such apparatus at my disposal as are necessary for the chemical determination of the various factors, as it is regrettable that nowadays the ambitiousness of certain persons can succeed in preventing an outsider like myself from also working in this problem. For instance, the Institute Welts does not want to place apparatus at my disposal, simply because they are afraid that my experiments on human beings might lead to quicker and better results than were possible during many years of experiments on animals.



"Woltz, instead of now admitting, that we reached our goal more quickly in the freezing problem through experiments on human beings, makes the excuse that he needs the apparatus, since at the present time he is conducting freezing experiments on shaved cats. Through the OKW Woltz is trying to get captures Russians as subjects for his experiments. Human experiments conducted outside a camp do not seem expedient to me.

"The final report concerning the freezing experiments, with all the charts, will be ready in about 6 days and will be sent at once to Berlin.

"The experiments of rewarming by body heat, which were ordered, will be carried out as soon as the women necessary for this experiment arrive, in about 2 days. I shall report the results of this experiment separately.

"Since, in an oral report, I can on the one hand always expect completely new and excellent suggestions from you, and can on the other hand present a much more graphic picture of the results obtained, I most respectfully beg you, if you can spare a moment, to grant me an appointment for an oral report. With best wishes and Heil Hitler, I remain your most obedient Sigmund Rascher."

Now, in this report, it bears out the secret manner in which these experiments were conducted, that the air unit try only rumored about the experiments which were to take place. It also bears out the grievances that eventually existed between Woltz and Rascher in their clash for glory. Woltz realizing that Rascher had, so to speak, edged him out at this time was criticizing Rascher's work in making an attempt to get Russian prisoners for his experiments.

We turn now to the answer of Rascher's report by Rudolf Brandt. This is a letter dated October 13, 1942, from the

"Woltz, instead of now admitting, that we reached our goal more quickly in the freezing problem through experiments on human beings, makes the excuse that he needs the apparatus, since at the present time he is conducting freezing experiments on shaved cats. Through the OKW Woltz is trying to get captures Russians as subjects for his experiments. Human experiments conducted outside a camp do not seem expedient to me.

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We turn now to the answer of Rascher's report by Rudolf Brandt. This is a letter dated October 13, 1942, from the

field headquarters of Heinrich Himmler. It is document number NO - 293, which is Prosecution Exhibit number 74.

"Dear Comrade Rascher, I have received your letter of 3 October 1942. I gather from it, that you intend to report in person to the Reichsfuehrer SS concerning the Dachau experiments. This is not possible, as the Reichsfuehrer SS is now in Italy and starts immediately after his visit on a somewhat long duty-journey. I propose accordingly to you that you submit the report in writing as soon as possible, so that I can send it to the Reichsfuehrer SS by courier.

"The Reichsfuehrer SS has read the letter of thanks of the former prisoner Hoff.

"At the moment it is not possible to render a decision on the present state of the high altitude experiments, on which you were, unfortunately, not able to report to Field Marshal Milch. As soon as the Reichsfuehrer SS comes back from his journey, I will ask him what he orders in this respect. Heil Hitler! Yours...." signed with the initials "R Br", meaning Rudolf Brandt.

The defendant Sievers on these same lines in connection with the reporting to Field Marshal Milch wrote a letter dated 21 October 1942, Document NO-226, and it is offered as Prosecution Exhibit number 75. The letterhead says, "Altenherbo, from the Reich Manager", addressed to Rudolf Brandt.

"Dear Comrade Brandt, In connection with the report made in field headquarters concerning the high altitude flight experiments, a report was to be made to Field Marshal Milch, too. The date of 11 September was chosen. As you will see from the attached file note of Dr. Rosenberg, this report has not been made, and indeed the whole thing has gone wrong, so to say. At any rate, the attitude of the gentlemen of the

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Medical Inspectorate of the Luftwaffe has altered considerably since that date. What would you think if I were to write a letter to the Medical Inspector Generaloberstabsarzt Dr. Hippke, that Rascher was only authorized to report in person to Field Marshal Milch, and that, accordingly, he - as well as Dr. Rosenberg - had but obeyed an order of the Reichsfuehrer, when they did not make a report on September 11th. Perhaps this would persuade the highly insulted gentleman to cooperate again.

"The deep freezing experiments are terminated now, so that the continuation of the high altitude flying experiments, as desired by the Reichsfuehrer SS, can now begin. In this connection, we need once more the low pressure chamber, but this with differential pumps, as otherwise large-scale altitude test cannot be carried out. The new experiments will also serve to conclude the habilitation thesis of Rascher. The putting at our disposal of the low pressure chamber, however, will be possible then only, if the Reichsfuehrer SS writes in person to Field Marshal Milch concerning this. I include the draft of such a letter." Signed by the defendant Sievers.

This draft of the letter is also a part of Exhibit number 75, Document NO-226. It is a draft to Field Marshal Milch, Secretary of State Milch, Berlin.

"Subject: Low pressure chamber for high altitude freezing experiments."

"In connection with the report --" pardon me, the subject is "Low pressure chamber for high altitude flying experiments."

"In connection with the report I had submitted to me here by Stabsarzt Dr. Rascher and Dr. Rosenberg concerning the carrying out of high altitude flying experiments, I had desired that a similar report be submitted to you, too. Although it has not been possible for you to participate in the conference

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of 11th September 1942 and to convince yourself of the results, up to now, of the experiments, I beg you once more to-day, to put at our disposal the low pressure chamber, through the Aviation Experimental Institute. As the experiments are to be extended to greater altitudes, this time differential pumps would also have to be supplied.

As I take a great interest in the continuation of the altitude flight experiments suspended in June last, and as I believe that we can still achieve very considerable results, I would be grateful to you if you would have the low pressure chamber and the differential pumps brought to Dachau very soon, and if, at the same time, Dr. Rosberg were made available again for the continuation of the experiments.



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MR. HARDY: We now turn to Document No. NO-224, Prosecution's Exhibit No. 76. which you will find on page 166 of your Document Book, your Honor.

THE PRESIDENT: What number did you give for No. 226?

MR. HARDY: No. 226 is Prosecution's Exhibit No. 76. We will now turn to Document No. 224. This is a short report concerning the report to be submitted to Secretary of State Milch on September 11.

"On September 11th 1942, at 9.45 o'clock Stabarzt Dr. Raascher and Dr. Romberg met, according to telephonic and oral agreements with Colonel Pendele, in the antechamber of the Secretary of State. We were informed that the Secretary of State had ordered this conference at the present stage, in the course of which a report on experiments concerning "rescue from great heights" was to be made, and the motion picture concerning these experiments was to be shown. The gentlemen waiting in the antechamber of the Secretary of State and in the corridor (most of them from the experimental staff) were informed that previous to the conference a motion picture was to be shown, so that all went to the motion picture room on the 5th floor. Here quite a large number of people were already present, so that thirty to forty persons were there in all. Among them were - we know some of them personally - some officers, medical and engineer officers, whose presence surprised us in view of the top secret nature of the motion picture and of the experiments. No checking of the persons present was done, nor was there an attendance list. As, after a short time of waiting, the Secretary of State had not come the



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action picture was shown, without giving us an opportunity for preliminary or explanatory remarks. During the intermission between the two parts of the motion picture Dr. Rascher referred once more to the strict obligation of secrecy ordered by the Reichsfuehrer SS. After completion of the showing of the motion picture - the Secretary of State had not come, as he had been summoned to the Reich Marshall - the persons present still talked a little while about the motion picture, on which occasion less interest was shown in the subject itself than in the place of the experiments and the individual who had been experimented on. After this period of time, during which we were neither called upon to make any statements whatsoever, nor were we, considering the great forum and the absence of the Secretary of State,



inclined to give any reports, the greatest part of these present went back to the development conference while Oberstarzt Warfler, Oberstarzt Professor Kolk, Stabarzt Bruehl and Government Councillor Benzinger asked us for a report in a small medical circle. As, however, the Secretary of State had prohibited any report previous to the fixing of distribution, we refused to disclose the results of the experiments. Oberstarzt Kolk stated that he was willing to report to the Secretary of State our wishes concerning the fixing of distribution and the continuation of the experiments. The motion picture film was handed to Colonel Vorwald.

"According to the conference with Obersturmbannfuhrer Sievers, I tried to get the film back on the same day, but Colonel Vorwald was still at the development conference. When I telephoned the next day and requested that the film be handed back, Colonel Vorwald declared, that he would like to keep the film until after Sunday, the 1st of September, since on this day the Reich Marshal was coming and might perhaps desire to see the motion picture. Accordingly, I let Colonel Vorwald keep the motion picture for that day. On the 14th of September, I went to fetch the motion picture from Colonel Vorwald, and was informed that it had not been shown. On the same day I spoke with Stabarzt Bruehl, who informed me that Oberstarzt Kolk had transmitted, still on September 11th, our wishes concerning distribution and continuation of the experiments to the Secretary of State. The Secretary of State had approved distribution schedule, and said that a continuation of the experiments was not urgent. A few days later, the distribution schedule, accepted by the Secretary of State, was sent to the DVL by Colonel Pendele, and the report was accordingly transmitted by the DVL to the offices concerned.

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Since that time I have not received any news, neither concerning the motion picture nor concerning the report.² (Signature) DR. ROMBERG."

This document is fully understandable on its face, but due to the difficulty of being unable to contact Milch and receive any word from him as to the ultimate results of their experiments in November 1942, - this is Document 1617-PS, Prosecution's Exhibit 77 - Heinrich Himmler, the Reichfuehrer SS, directed a letter to Field Marshal Milch which reads as follows:

"Dear Comrade Milch :




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You will recall that through General Wolff I particularly recommended to you for your consideration the work of a certain SS Fuehrer, Dr. Rascher, who is a physician of the air force on leave.

These researches which deal with the behavior of the human organism at great heights, as well as with manifestations caused by prolonged cooling of the human body in cold water, and similar problems which are of vital importance to the air force in particular, can be performed by us with particular efficiency because I personally assumed the responsibility for supplying racial individuals and criminals who deserve only to die from concentration camps for these experiments.

Unfortunately you had no time recently when Dr. Rascher wanted to report on the experiments at the Ministry for Aviation. I had put great hopes in that report, because I believed that in this way the difficulties based mainly on religious objects, which oppose Dr. Rascher's experiments - for which I assumed responsibility - could be eliminated. The difficulties are still the same as before. In these "Christian medical circles" the standpoint is being taken that it goes without saying that a young German aviator should be allowed to risk his life but that the life of a criminal - who is not drafted into military service - is too sacred for this purpose and one should not stain oneself with this guilt; at the same time it is interesting to note that credit is taken for the results of the experiments while excluding the scientist who performed them.



I personally have inspected the experiments, and have - I can say this without exaggeration - participated in every phase of this scientific work in a helpful and inspiring

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manner.

We two should not get angry about these difficulties. It will take at least another ten years until we can get such narrow-mindedness out of our people. But this should not affect the research work which is necessary for our young and splendid soldiers and aviators.

I beg you to release Dr. Rascher, Stabartz in reserve, from the air force and to transfer him to me to the Waffen-SS. I would then assume the sole responsibility for having these experiments made in this field, and would put the results, of which we in the SS need only a part for the



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first injuries in the East, entirely at the disposal of the air force. However, in this connection I suggest that with liaison between you and Wolff a "non-Christian" physician should be charged, who should be at the same time honorable as a scientist and not prone to intellectual theft and who could be informed of the results. This physician should also have good contacts with the administrative authorities, so that the results would really obtain a hearing.

I believe that this solution - to transfer Dr. Rascher to the SS, so that he could carry out the experiments under my responsibility and under my orders - is the best way. The experiments should not be stopped; we owe that to our men. If Dr. Rascher remained with the air force, there would certainly be much annoyance; because then I would have to bring a series of unpleasant details to you, because of the arrogance and assumption which Professor Dr. Holzschnur has displayed in the post of Dachau - who is under my command - about me in utterances delivered to SS Colonel Sievers. In order to save both of us this trouble, I suggest again that Dr. Rascher should be transferred to the SS as early as possible.

I would be grateful to you if you will give the order to put the low pressure chamber at our disposal again, together with stop-up pumps, because the experiments should be extended to include even greater altitudes. Cordial greetings and Heil Hitler."

This fabulous document indeed conveys to the Honorable Tribunal the mental attitude of Heinrich Himmler and the rest of his followers. It also conveys to us in their stating that in these "Christian medical circles the standpoint is being taken that it goes without saying that a young German aviator should be allowed to risk his life but that the life of a criminal "indicates to us the position in which all of these followers of Himmler stood.

We now will turn to Document NO-269 to offer as Prosecution's Exhibit Number 78. This is dated 28 November 1942. It is from Obersturmbannführer Wolff, personnel director of SS - one of the SS under Heinrich Himmler.



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"Highly esteemed Generalfeldmarshall, Dear Party Member Milch.

You will remember that I, by order of the Reichsfuehrer SS, recommended to you the work of an SS officer, Dr. Rascher, who is a medical officer of the Luft-

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Waffe on leave.

This work on the influence of high altitudes on the human organism, and on the cooling of the human body during prolonged stay in cold water and similar questions, deals with problems which are of the utmost interest for the Luftwaffe. We are able to perform this work with special effect, because the Reichsfuehrer SS assumed personal responsibility for these experiments on associates and criminals deserving death from Concentration Camps.

It is a pity that you had not time, when Dr. Rascher recently wanted to lecture at the Air Ministry. The Reichsfuehrer SS expected very much of it, because being personally informed, you certainly will have taken action to remove the many difficulties of Dr. Rascher's work.

These difficulties are always the same. Luftwaffe medical officers are of the opinion that a young German air-man may risk his life, but that the life of a criminal who is not called up is too sacred for that, and that they do not want to be blamed for such experiments. Still, the results of the experiments are used while the scientist who carried them out is eliminated.

The Reichsfuehrer SS himself has seen the experiments and - I can state that without exaggerating-helped and stimulated in every phase of these experiments.

Now, he does not want that you and he get angry about the development. In his opinion, it will at least take another ten years until our people get rid of such narrow-mindedness. But the research necessary for our young and faultless soldiers and air-men must not be hampered by this.

The Reichsfuehrer SS therefore requests you to release the Stabsarzt of the reserve, Dr. Rascher from the Luftwaffe and to transfer him to the Waffen SS. The Reichsfuehrer SS will then have all these experiments carried out on his sole responsibility and the experiments which we only partly used in the SS regarding frost bites in the East, will be left entirely to the Luftwaffe. Here he suggests that a competent

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physician will be nominated as a liaison between you and myself, who has the opportunity to report to you continuously about the research work

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The Reichsfuehrer believes that this solution is the best way, that is to say to transfer Dr. Rascher to the SS so that he can perform his experiments under his responsibility and under his orders. The experiments must under no circumstances be discontinued, we owe that to our men. If Dr. Rascher would remain with the Luftwaffe, a lot of trouble certainly would arise, because in that case the Reichsfuehrer SS would have to bring to your knowledge quite some unfortunate details which will certainly occur in the future too, considering the execution of the experiments up to now. It is especially Professor Helgeland who plays his part.



"In order to save you and himself a lot of trouble, the Reichsfuehrer SS begs to transfer Dr. Rascher as quick as possible to the Waffen SS.

"The Reichsfuehrer SS would appreciate it very much if you would give the order that the low pressure chamber is to be put at our disposal again, together with gradual aggregate pumps, because experiments are to be extended to still higher altitudes.

"Best regards and Heil Hitler! Signed Wolff."

Copies of this letter went to the SS Main Personal Office; Reichsarzt Dr. Grawitz; SS Obf. Dr. Lucast; SS Staf. Sievers. Copies forwarded requesting attention by order and signed by Brandt, SS Obersturmbannfuehrer. As a matter of fact, the results of this correspondence was that Rascher, in due course, was transferred to the SS for the continuation of his work at Dachau.

We now turn to Document NO. 1612-PS, Prosecution's Exhibit No. 79, page 122, Your Honor, in the Document Book. This is a letter of Rudolf Brandt addressed to Doctor Rascher, Medical Officer in the SS Fuehrungshauptamt, Berlin, and to SS Obergruppenfuehrer Fohl of the WVHA, and to the Ahnenerbe Society:

"Enclosed I am sending you a letter of the Reichsfuehrer SS with an order for SS Hauptsturmfuehrer Dr. Rascher.

"You are requested to duly note and accord needed assistance to Hauptsturmfuehrer Dr. Rascher in the carrying through of his experiments.

"SS Hauptsturmfuehrer Dr. Rascher is being assigned by me to carry through the following experiments:

"1) Low pressure chamber experiments — to be carried out under conditions corresponding to those actually prevailing under normal operating conditions — for rescue from high and extremely high altitudes. Determination of changes in chemical equilibrium, as well as gas equilibrium of human body. Experiments are to be repeated until a scientifically

incontrovertible basis for findings is established. Testing of pressure
proof protection garments for the highest altitudes to be carried out with
the assistance of manufacturers of such protective suits.

"2) Tests for reappearing warmth after total chilling of the human
body -



recording all changes of chemical and gas characteristics - are to be further continued until complete clarification of doubtful questions. I attach particular value to conditions for experiments coming as close to actual conditions as possible, quite particularly as regards reimpartment of warmth. Same equipment available in Dachau should be used in connection with experiments on reimpartment of warmth.

"3) Experiments on removal of effects due to freezing of parts of human system especially the extremities, to be carried through in suitable form (e.g. applications with Gastein water).

"4) Experiments concerned with adaptation to freezing cold in snow huts (igloos) to be carried out under varying diets in order to establish whether adaptation to cold and resistance increase against freezing is possible. These experiments are to be carried out on the site of SS-Berghaus Sudelfeld.

"5) The procurement of the apparatus needed for all the experiments should be discussed in detail with the offices of the Reichsarzt-SS, Main Office for Economics and Administration and with the Innenverbo. The necessary chemical products, medical supplies and glass ware will be made available by the SS Medical Office, Berlin.

"6) Publication of results obtained in such tests subject to my approval only".

Signed "H. Himmler".

We are now at the end of the presentation of documentary evidence on the High Altitude Experiments. I will, of course, have a witness on the High Altitude Experiments, and who will be called tomorrow morning.

Now, Mr. McHaney will proceed with the presentation of the Freezing Experiments.

MR. MCHANNEY: Your Honors should have before you English Document Book No. 3, which contains substantially all the Exhibits which we will present on the Freezing Experiments carried out at the Dachau

Concentration Camp in the Fall and Winter of 1942, and during part of 1943.

The first Document will be No. 242, and which will be Prosecution's Exhibit No. 80. This is an affidavit signed by the defendant Rudolf Brandt, setting forth his knowledge concerning the Freezing Experiments. It reads as follows:



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"I, Rudolf Emil Hermann Brandt, being duly sworn, depose and state:

"1. I am the same Rudolf Brandt who has heretofore sworn to an affidavit on the 30th day of August, 1946, concerning certain low pressure experiments performed on human beings at the Dachau Concentration Camp.

"2. For the same reason set forth in paragraphs 1, 2, and 3, of my affidavit of 30 August, 1946, I am able to make this statement concerning freezing experiments performed on human beings.

" FREEZING EXPERIMENTS

" 3. In the late spring of 1942, Field Marshal Milch of the Luftwaffe in a letter to SS Obergruppenführer Karl Wolff (Chief of the Personal Staff of the Reichsführer SS), authorized the freezing experiments on human beings. Oberstabsarzt A.G. Woltz was ordered to make these experiments and Rascher was to assist him. Milch expressed his thanks to the SS for their cooperation with the Supreme Command of the Luftwaffe in conducting the low pressure experiments. To the best of my recollection, Rascher wrote Himmler a few weeks later to the effect that General Oberstabsarzt Prof. Dr. Hippke had requested freezing experiments to be carried out on concentration camp inmates at Dachau. Rascher requested that Himmler approve the pardon of several inmates at Dachau who had assisted him in performing autopsies on guinea pigs who were killed during the course of the low pressure experiments.

"4. The Luftwaffe was interested in having the cooling experiments conducted because of the fact that a number of German aviators were forced to parachute into the North Sea and consequently were sometimes subjected to extreme cold for extended periods of time. The purpose of the freezing experiments was to learn the most effective way of rescuing such aviators, thereby saving their lives.

" 5. The freezing experiments were begun in August 1942 and Rascher submitted a preliminary report in September 1942. The test-persons were partially submerged in ice water to lower their body temperature.



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ture. This report stated that some of the experimental subjects were killed as a result of the experiments. Rascher attempted to revive the frozen subjects by rapid rewarming with hot water. He stated that rewarming by animal heat had not yet been utilized but that he thought it would be too slow.

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"6. Himmler acknowledged receipt of this report late in September and ordered Rascher to explore the effectiveness of rewarmed by animal heat. A copy of this letter was sent to Sievers with a request for acknowledgment.

"7. As a result of Himmler's request that animal warmth be used as one of the methods of rewarmed in the course of the experiments, Rascher made a request that a number of women be supplied for this purpose. I know that women were supplied to Rascher and that they were used to rewarm the experimental subjects who had been frozen.

"8. In October 1942 Rascher submitted the final report on the freezing experiments performed at Dachau. This report did not contain the results of a series of experiments with drugs and with animal body heat which were then still being conducted. It was also noted that the report did not contain the microscopic pathological examinations of the brain tissues of the deceased. This report was signed by Prof. Dr. E. Heidecker, Dr. Sigmund Rascher and Dr. H. Finko. Data were submitted concerning a number of subjects who were frozen to death.

"9. Himmler acknowledge receipt of this report; a copy of the letter being sent to Karl Wolff. He stated that a copy of the report had been sent to Field Marshal Milch of the Luftwaffe and went on to state that he expected reports regarding the use of animal heat in reviving the frozen subjects. He further asked Rascher to submit the names of people who were exposed to experiments on human beings and stated that such people were to be considered as traitors. Later on Himmler had a conference with Rascher concerning the experiments and during November he visited Dachau in order to observe personally the experiments.

"10. It should be noted that some jealousy arose among Rascher and his collaborators as a result of the low pressure and freezing experiments. Sievers was of the opinion that Heidecker was attempting to receive credit for the cold experiments and that the same had been

done by Dr. Ruff with regard to the low-pressure experiments. For this reason, Sievers suggested to Himmler that it would be wisest if Rascher were taken over entirely into the SS and away from the Luftwaffe so that his work can be carried out under the sole auspices of the Personal Staff of the Reichsfuehrer SS and the Ahnenerbe Institute. As a



result of this, Himmler wrote a letter to Field Marshal Milch in November 1942, requesting that Rascher be discharged from the Luftwaffe and transferred to the Waffen SS. Himmler stated that he would assume also responsibility for experimentation on human beings.

"11. In the late fall of 1942, Rascher asked for permission to carry out tests on habituation to cold at the Medical Research Station for Mountain Troops at St. Johann and at the SS Mountain Base in Bayrisch Zell where concentration camp inmates would be available for experiments. The purpose of these experiments was to have people live in igloos and to test various types of diet and clothing.

"12. Himmler wrote to SS Obergruppenfuhrer Oswald Pohl, Chief of the WVH, regarding his visit to Dachau in November 1942 at which time he had observed the freezing experiments. He informed Pohl that he had ordered that suitable women be set aside for the purpose of warming up the experimental subjects.

"13. Rascher had still not been released from the Luftwaffe as late as January 1943 and no answer had been received from Milch in reply to the formal request made by Himmler in November 1942. Sievers was concerned about this delay because Rascher was planning to make certain experiments on the effect of dry cold on human beings and since it was thought that these could not be started prior to Rascher's transfer, Sievers was becoming concerned lest the transfer be delayed beyond the cold season. I know that Sievers was in touch



with Wolff on several occasions and urged him to expedite the transfer. Wolff was serving as the liaison between Himmler and Milch in this matter.

"14. Himmler had asked Rascher to submit a short memorandum of advice to soldiers as to the best method of rewarming after a severe chilling. This memorandum was submitted to Reichsarzt SS Gruppenfuhrer Grawitz; and he listed certain objections on the ground that Rascher's researches were based only on exposure to wet cold and not to dry cold. Therefore, Grawitz recommended further experimentation upon the effects of rewarming by hot water persons subjected to dry cold. Sievers became very excited at the intervention of Dr. Grawitz and immediately raised objections against his gaining control of the experiments. Sievers was also incensed by a report of a conference between Grawitz, Rascher, and Obersturmbannfuhrer Poppendick, in which Rascher quoted Grawitz as having said that it was an untenable state of affairs that a non-physician such as Sievers should have jurisdiction over medical matters.

"15. Sievers continued his efforts to have Rascher transferred from the Luftwaffe and suggested that Himmler have Rascher attached to Obersturmbannfuhrer Dr. Pfannenstiel's Department in Marburg.

"16. In February 1943, Rascher submitted his report on experiments with animal heat. In the same letter, he stated that he had carried out intense chilling experiments on 30 human beings by leaving them outdoors naked from 9 to 14 hours. Rascher suggested that further experiments with dry cold be transferred to Auschwitz because it was colder there and the greater extent of open country within the camp would make the experiments less conspicuous as the experimental subjects screamed with pain when severely frozen. The report on the rewarming of intensely chilled human being by animal warmth stated that the experimental subjects were cooled until they all lost consciousness. The test persons were then placed between two naked women in a spacious bed. It was noted that several of the subjects revived sufficiently to perform sexual intercourse.

"17. I wrote Rascher acknowledging receipt of the aforementioned report and stated that further experiments with dry cold should be made at Auschwitz or Lublin. A copy of this letter was sent to Pohl, who was to order the carrying out of the experiments at Lublin or Auschwitz.

"18. The efforts to release Rascher from the Luftwaffe were intensified. Hippke had apparently heard the criticism of the SS that Rascher had not been given full cooperation by the Luftwaffe; and he defended himself against the accusation that he had not enthusiastically supported the experiments performed on human beings. He indicated that he would be willing to approve of Rascher's release from the Luftwaffe if Rascher himself made the request. Hippke pointed out that the difficulties about which there was some complaint were caused not because of any disapproval of experiments on human beings, but because of the personal vanities of the various doctors involved, in that each one apparently wanted to take personal credit. Rascher himself was criticized in that respect.

"19. Rascher defended himself in a letter to me against this slur of Hippke's and added that he had made further tests on the resuscitation of human beings who were frozen by dry cold during a period of heavy frost. The experimental subjects were kept naked outdoors for 14 hours at freezing temperatures. A complete report on this subject was sent to Himmler in April 1943. I acknowledged receipt of this report in a letter to Rascher and according to orders advised him to get in touch with Prof. Gebhardt at Hohenlychen, to whom Himmler had sent the aforesaid report. Rascher was also directed to send a copy of the report to Grawitz.

"(Signed) R. Brandt."

This rather long and detailed affidavit, your Honors, tends to give you a rather full picture in one place of the experiments conducted on freezing at Dachau. You will see in the exhibits which will come in later a great many of the documents which are referred to in the affidavit of Rudolf Brandt.

The next document will be Document NO-448, and is Prosecution Exhibit 81. This is an affidavit signed by the defendant Becker-Freyseng; and your Honors will recall that Becker-Freyseng was from the latter part of 1941 until the end of the war attached to the Department for Aviation Medicine in the Medical Service of the Luftwaffe.

The affidavit reads as follows:

"I, Hermann Becker-Freyseng, being duly sworn, depose and state:

"1. I was born on 18 July 1910 in Ludwigshafen. I studied medicine at the Universities of Heidelberg, Innsbruck, and Berlin. In the summer of 1940 I joined the Luftwaffe. At first I was an Unterarzt with a Flyer Selection Group.

"2. In August 1941 I was transferred to Berlin and became an assistant to Anthony who was Chief of the Referat, Aviation Medicine. This department dealt with all questions concerning aviation medicine and reported to the Chief of the Medical Service of the Luftwaffe. We consulted with scientists about aviation medical problems and saw to it that the results of their work were applied to a practical use. We received reports from such scientists, flight surgeons, institutes, and consulting surgeons and doctors of the Luftwaffe. I saw reports from Dr. Eugen Haagen, Oberstabsarzt of the Luftwaffe, although he was working primarily for the Hygiene Referat under Dr. Siegfried Atmar, Generalarzt. Gerhardt Rose was perhaps the most important figure in the Medical Service of the Luftwaffe as far as hygienic problems were concerned.

"3. The Aviation Medicine Referat had the letter designation "2 II B" when I was attached to that office in August 1941. This designation stood for "Abteilung 2, Gruppe II, Referat B." In the winter of 1942-43, the letter designation of the Aviation Medicine Referat was changed to "2F", as I recall. It remained "2 F" until about January 1944 when it became known as "2 II A". The work of the office was the same during all of this time; and the change in letter designation merely reflected reorganization of the Medical Service of the Luftwaffe."

Now, your Honors may wonder what the significance of these letter designations of the Officer for Aviation Medicine in the Medical Service of the Luftwaffe is; but you will see on some of the documents to be introduced at a later stage in the trial that these letters, these letter designations, will appear on some of the documents and they will have considerable significance with regard to the case against Becker-Freyseng and also Mr. Schroeder because they will indicate that this office, the Office for Aviation Medicine, was concerned with particular matters stated in that letter.

I just would like to sum up: When we see the letter designation "2 II B" of "2 F" or "2 II A," we know that it is referring to the Department of Aviation Medicine in the Medical Service of the Luftwaffe and that it is in effect the same department that Becker-Freyseng was attached to through the whole period in which we are interested, succeeding in May, he says, of 1944 as chief of the department and prior to that time as chief assistant to Anthony.

"4. When I first joined the Luftwaffe, Hippke was Chief of the Inspectorat of the Medical Service of the Luftwaffe (Inspekteur des Luftwaffe Sanitaetswesen). Schroeder, at that time, was Chief Medical Officer of Air Fleet 2 and held the rank of Generalstabsarzt. Schroeder held the highest rank in the Medical Service of the Luftwaffe other than Hippke. Schroeder became Chief of the Medical Service of the Luftwaffe in January 1944.

"5. At the Nurnberg Conference held in October 1942, Dr. Holzlochner gave a report on the freezing experiments conducted at Dachau in cooperation with Dr. Rascher. Anthony was Chairman of the meeting. As a result of Holzlochner's report and others given at the conference, we issued instructions to Flight Surgeons that the warm bath method was to be used in reviving aviators who had been severely chilled. I knew that prior to the Nurnberg Conference Holzlochner was experimenting with Rascher in Dachau on freezing problems. I also knew that Ruff and Romberg had conducted certain low pressure experiments at Dachau in cooperation with Rascher. It was fairly well known that these men were experimenting on concentration camp inmates. Dr. Kalk told me that he had seen Rascher in Milch's office at the RMH, and we were both very surprised at this."

Dr. Kalk, your Honors, as you will probably not recall, appeared on the chart which we submitted in evidence showing the organization of the Medical Service of the Luftwaffe. He was a consulting physician or hygienist, as I recall.

"6. After Dr. Rostock took his position under Dr. Karl Brandt, he was possibly the highest authority on science and research in Germany. All branches of the armed forces reported experiments and research to him and he summarized the reports and gave them to Brandt for approval. Handloser, as Chief of the Medical Services of the Armed Forces, also had to be entirely familiar with the

research work which was being conducted by the Army, Navy, and Luftwaffe. We were ordered to report to these men all research assignments of scientists working for us so that duplication of work could be eliminated.

"(Signed) Hermann Becker-Freyseng."

I may say that the defendant Becker-Freyseng was certainly in a position to know whereof he speaks since it was the Department for Aviation Medicine which assigned a great number of the research tasks in the Luftwaffe.

Now, your Honors, the next documents appearing on Pages 10 and 11 of the document book are simply inserted as a matter of convenient reference for the Tribunal. The document on Page 11, you will remember, was submitted this morning; and it is the letter from Milch to Dr. Wolff, stating that "Major Welts will be charged with the execution and Captain Hascher will be made available until further orders" to carry out the freezing experiments at Dachau.

JUDGE SEHRING: Mr. McHasey, can you tell me quickly what exhibit that is?

MR. MCHANEY: That is Exhibit 62, your Honor.

JUDGE SEHRING: Thank you. Which one, Mr. McHasey, is 62?

MR. MCHANEY: That is the second letter, dated May 20, 1942. If your Honor please, both of these documents were originally registered as 343-PS. We changed the registration to 343A-PS and 343B-PS in order that we could split them up and submit them at different points in the trial because we thought the presentation was benefitted by that process.

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MR. McHANEY: The next exhibit will be Document NO. 283 and this is Prosecution Exhibit 82. The Tribunal may wish to see this document. It is the first page of a letter-- this is Prosecution Exhibit 82. The Tribunal may wish to look at the exhibit. Its the first page of a letter apparently written by Dr. Rascher to Heinrich Himmler. The exhibit itself contains only the first page. We do not have the following pages or the page containing the signature of Rascher. However, as you can see on the translation the first page does contain the letterhead "Dr. Medicine Sigmund Rascher. The letter is dated 15 June 1942.

"Esteemed Reichsfuehrer!

"A few days ago I was ordered to a conference with the Inspector of the Luftwaffe Medical Service Generaloberstabsarzt, Professor Dr. Hippke. When I told him that you had not yet received the report concerning the experiments as a whole, and that you still had to give permission for the reporting of the results, he did not ask for any report. The Inspector was extraordinarily kind and asked me, as liaison man with the SS, to express to you, esteemed Reichsfuehrer, his private thanks for the experiments.

"At the same time, he asked for permission to carry out the cold and water experiments in Dachau, and asked that the following be engaged in these experiments:

"Professor Dr. J a r i s c h , of the University of Innsbruck,

"Professor Dr. Holzschner, of Kiel, as well as the Luftwaffe-pathologist

"Professor Dr. S i n g e r , of Schwabing Hospital.
(I knew Professor Singer personally very well). The inspector designated the experiments as extraordinarily important, as we must count on another winter in the East.

"Later during the discussion I was asked to inquire of you, esteemed Reichsfuehrer, whether the Gestapo can investigate whether the above-mentioned gentlemen are politically unexceptionable.

"It was also decided that the Inspector would issue orders to do so at all times during the experiments. The Inspector said that he would prefer to approve long-term assignments rather than to free me from the Luftwaffe, as he needed me.

"The water experiments can be started immediately,...."

MR. McHENEY: And there the translation discontinued because we can't have the following page of the letter. An interesting thing to note in connection with this letter, is firstly, the date 15 June 1942 at which time the low-pressure experiments at Dachau were still in process. You will recall that the final report on the low-pressure experiments was dated 28 July 1942 and it is also interesting to note Rascher's personal conference with Hippke, Chief of the Medical Service of the Luftwaffe. Now, there is no doubt in my mind that a considerable number, if not all of the Luftwaffe defendants in this case, will tell the Tribunal that this was simply an SS matter. The experiments perhaps occurred but they were under the jurisdiction of the Reichsfuehrer SS Heinrich Himmler and that he was a man of such great power that they could raise no voice against him. I think it has been amply demonstrated already that this is not the case; such as they will describe it: that these experiments were the result of cooperation between the SS and the Luftwaffe and that they would have not been possible without such cooperation, but here we see that Rascher has a personal conference with Hippke and mentions the names of some of his collaborators Drs. Jarisch, Holzschner and Singer who actually did collaborate in the experiments which began on the 15 August 1942. We come now to

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Document HQ-234 which will be Prosecution Exhibit 83. The letter again from Rascher to Heinrich Himmler dated 10 September 1942 and it indicates that the experiments had already started and attached to it is a report, an Intermediate Report on the Intense Chilling Experiments in Dachau, started on 15 August 1942. No, your Honors, I am in error there. The Report will go in under a separate exhibit number. Letter dated 10 September 1942:

"My dear Reichsfuehrer:

"May I submit in the enclosure the first intermediary report about the freezing experiments.

"In the beginning of October a meeting on the subject of freezing experiments is to take place. Professor Dr. Holzschner, participating in our Dachau experiments on behalf of the Luftwaffe, wants to give on this occasion an account of the results of our experiments. SS Obersturmbannfuehrer SIEVERS, who surveyed the experiments in Dachau last week, believed that if any report was to be made at a meeting, I should be called upon to submit the report. A discussion with other experts on freezing experiments would surely be very valuable. I therefore request your decision.

"1.) Can a report be made elsewhere before the oral report has been submitted to you, my Reichsfuehrer,

"2.) Is my participation in the conference on the subject of the freezing experiments of the Luftwaffe, ordered by you, my Reichsfuehrer?

"I will take care that the report is submitted in the appropriate manner due to a top Secret matter." Signed
"Rascher."

MR. McRANEY: The next document 1618 PS is the intermediate report mentioned in the Prosecution's Exhibit 83. 1618 PS will

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be Prosecution Exhibit 84:

"Intermediate report on Intense Chilling Experiments
in the Dachau Concentration Camp, started on 15 August
1942.

Experimental procedure.

"The experimental subjects were placed in the water, dressed in complete flying uniform, winter or summer combination, and with an aviator's helmet. A life jacket made of rubber or kapok was to prevent submerging. The experiments were carried out at water temperatures varying from 2.5 degrees to 12 degrees centigrade. In one experimental series, OCCIPUT and brain stem protruded above the water, while in another series of experiments the OCCIPUT, (brain stem) and back of the head were submerged in water.

"Electrical measurements gave low temperature readings of 26.4 degrees in the stomach and 26.5 degrees in the rectum. Fatalities occurred only when the brain stem and the back of the head were also chilled. Autopsies of such fatal cases always revealed large amounts of free blood, up to 1/2 liter, in the cranial cavity. The heart invariably showed extreme dilation of the right chamber. As soon as the temperature in these experiments reached 28 degrees, the experimental subjects died invariably, despite all attempts at resuscitation. The above discussed autopsy finding conclusively proved the importance of a warming protective device for head and OCCIPUT when designing the planned protective clothing of the foam type.

"Other important findings, common in all experiments, to be mentioned. Marked increase of the viscosity of the blood, marked increase of hemoglobin, an approximate five-fold increase of the leukocytes, invariable rise of blood sugar to twice its normal value. Atrial fibrillation made its appearance regularly at 30 degrees.

"During attempts to save severely chilled persons, it was shown that rapid re-warming was in all cases preferable to slow re-warming, because after removal from the cold water, the body temperature continued to sink rapidly. I think that for this reason we can dispense with the attempt to save intensely chilled subjects by means of animal heat.

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"Re-warming by animal warmth-animal bodies or woman's bodies-would be too slow. As auxiliary measures for the prevention of intense chilling, improvements in the clothing of aviators come alone into consideration. The foam suit with suitable neck protector which is being prepared by the German Institution for Textile Research, Munich-Gladbach, deserves first priority in this connection. The experiments have shown that pharmaceutical measures are probably unnecessary if the flier is still alive at the time of rescue.

MR. MORSEY: Here again, your Honors, in this set of experiments we find that they are continued until certain of the subjects died. The document itself clearly reveals that a number of persons were killed in the early stages of the experiments.

THE PRESIDENT: The tribunal will be recessed.

"A recess was taken)



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THE CLERK: The Tribunal is again in session.

E. McHENRY: We had come to document 1611 PS which will be Prosecution Exhibit 83.

THE PRESIDENT: It is 85.

E. McHENRY: You are right, Your Honor, - 85. This is a letter from Heinrich Himmler to Dr. Rascher, dated 22 September, 1942:

"I have received the intermediate report on the subcooling experiments in Camp Dachau."

That refers to the report which I have just read and which is Prosecution Exhibit 84. I will continue.

"Despite everything, I would so arrange the experiments that all possibilities, prompt warming, artificial, body warming will be executed in positive experiment orders.

Signed: H. Himmler.

That last paragraph is perhaps a little garbled, Your Honor, but the meaning is quite clear. You will recall that in the intermediate report Rascher had made the statement that he thought that they could dispense with the attempt to save intensely chilled subjects by means of animal heat. Now in this letter which is Prosecution Exhibit 85 Himmler is in effect ordering Rascher to exhaust all possibilities of re-warming, including body warming, as he puts it, of animal heat. A copy of this letter, it can be seen, went to Sievers, with a request for acknowledgement, and there apparently are not initials on that. However it indicated Lieutenant Colonel, and presumably the letter was forwarded to Rudolf Brandt in the office of Heinrich Himmler, and the Court will recall too that about this time Dr. Rascher was attached to the Germanische Society, which is an Institute for Scientific Research, and consequently a copy of this letter, which in effect was an order to Rascher, was sent to his superior, the defendant Sievers.

The next document is No. 285, which will be Prosecution Exhibit 86. It is also a letter from Rascher to Rudolf Brandt. The letter is addressed to "Most Honored Obersturmbannführer", and is not addressed by name to the defendant, Rudolf Brandt. The Prosecution takes the position that the letter was in fact addressed to the defendant, Rudolf Brandt. His title at that time was an SS Obersturmbannführer, which is an equivalent rank of Lieutenant

Colonel. The letter is dated 3 October, 1942 :

" First of all I want to thank you very much for " the Glass Ocean." That apparently refers to a painting. " My wife and myself are very happy to possess now a complete set of these books." It was not a painting. " I have already read the book with great interest.

" The Reichsfuehrer-SS wants to be informed of the state of the experiments. I can announce that the experiments have been concluded, with the exception of those on warming with body heat. The final report will be ready in about 5 days. Professor Holzschner, for reasons that I cannot fathom, does not himself want to make the report to the Reichsfuehrer and has asked me to attend to it. This report must be made before 20 October, because the great Luftwaffe conference on freezing takes place in Nurnberg on 25 October. The report on the results of our research must be made there, to assure that they can be used in time for the troops. May I ask you to arrange for a decision from the Reichsfuehrer regarding the final report to him, and the submission to him of the relevant material ?

" Today I received your letter of 22 September 42, in which the Reichsfuehrer orders that the experiments on warming through body heat must absolutely be conducted."

That is the letter which has come in as Presentation Exhibit 85.

" Because of incomplete address it was delayed. Today I asked Obersturmbannfuehrer Sielers to send a telegram to the camp commander immediately, to the effect that 4 gypsy women be procured at once from another camp."

Your Honors would appreciate the fact that the concentration camp Dachau was reserved almost exclusively for men.

" Moreover, I asked SS Obersturmbannfuehrer Sielers to take steps to have the low-pressure chamber ready for use.

" The report to General Field Marshal Milch planned for 11 September could not be made, as you have discovered, because he was prevented from attending, and no representative was commissioned to receive it. As the Reichsfuehrer had not empowered me to report to anyone in the Reich Air Ministry, I abstained from making the report, which rather nettled the gentlemen of the Medical Inspectorate. I immediately informed Obersturmbannfuehrer Sielers.

For the time being the report is being held as a Military Secret at the German Experimental Institute for Aviation together with a distribution list prepared by the Reich Air Ministry. The distribution of the copies, however, has not yet taken place, because, as I said, the report has not yet been made to Milch. I assume that you were informed of this whole business long ago. What shall we do now?

"I wish to enclose a letter of thanks to the Reichsfuehrer from the former prisoner Meff. At the same time I should like to thank you very much for your efforts; and let me beg you, should opportunity offer, to convey to the Reichsfuehrer my most sincere thanks for his granting of this request. I did not write to the Reichsfuehrer in person, in order not to take any further claims on his valuable time.

With best wishes and

Heil Hitler!

Yours most sincerely,

S. Rascher."

Your Honors are particularly concerned about whether or not this letter was addressed to the defendant, Rudolf Brandt, which I am rather sure he would not deny. You may refer to paragraph 6 and 7 of his affidavit, which has gone in as Exhibit No. 80, and he therein states substantially the facts which are revealed in this letter. I would also like to point out in referring back to the high altitude experiments that the next to the last paragraph in this letter deals with that subject, and of particular interest is the language stating that for the time being the report is being held as a military secret at the German Experimental Institute for Aviation, and that institute, of course, was the one to which defendants Ruff and Rorberg were attached.

Your Honors will recall that when they presented the final report on the high altitude experiments it was found with the letter from Ruff and Rorberg that Himmler sends three copies, two, three and four. Now that is significant, because as it states here the distribution list was prepared by the Reich Air Ministry, which indicates that these

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experiments were well known on the highest level of the medical service
of the Luftwaffe, including Erhardt



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Hilch himself, Secretary of State for Air.

The reference to the former prisoner Hoff is to one of the concentration camp inmates, who was an active assistant to Rascher during the low pressure and freezing experiments, and it certainly does not refer to any concentration camp inmates who was the subject of these experiments. Consequently, it is not to be construed as any evidence of amnesty to an experimental subject.

Document 1619 PS will be Prosecution Exhibit 87 and is a telegram from the Reichssicherheitshauptamt, which is what we normally call the RSHA, and the Gestapo was a part of that organization. The telegram is signed, "Weise", who apparently was the Camp Commandant at Dachau. The telegram is addressed to SS Obersturmbannführer Rudolf Brandt, and states that the Commandant of the Concentration Camp Dachau asks to instruct the Untergroupenchef SS Brigadeführer Ciocka, to send from Ravensbruck to Dachau the four women wanted by Stabsarzt Dr. Rascher for his experiments, according to instructions given by the Reichsführer SS.

Ravensbruck, Your Honors, was a concentration camp which contained almost exclusively female inmates.



The next exhibit is Document 1619-PS and will be Prosecution Exhibit 88. I am in error, Your Honors, both the telegram which I have just read and the teletype which follows are included as Document 19610-PS and both have gone into the record as Exhibit 87.

This is a teletype to SS-Brigadefuehrer Gluecks, Oranienburg. It states: "SS-Sturmabannfuehrer Dr. Brandt asks you to give instructions for the four women ordered by the Reichsfuehrer-SS to be put at the disposal of Dr. Rascher to be sent from Ravensbruck to Dachau."

If Your Honor please, the next document in the English document books is on page 21. It's Document NO-295 and is in fact the same as the second telegram in Document 1610-PS, consequently, it will not be put in. It's simply a case of the same document being picked up at two different sources and being registered with two different numbers here in Nuernberg. It is, in fact, the same document.

We come now to a very interesting letter, which is Document NO-286 and this will be Prosecution Exhibit 88. This letter is from Anthony of the Department for Aviation Medical Service of the Luftwaffe. It is directed to the Reichsfuehrer-SS, Heinrich Himmler, and it informs him about a Luftwaffe meeting of doctors which is to be held in October in Nuernberg, and that questions concerning freezing are to be discussed there.

It is important here to look at the letter designations appearing in the first part of this letter, and I will ask Your Honors to recall the affidavit of the defendant Becker-Freyseong in that regard. You will remember that he stated, when he first went into the Department for Aviation Medicine in the Luftwaffe in 1941, that it carried the letter designations and organization designation of 2 II B, and that shortly sometime thereafter, it changed to 2 F and then to 2 II A. We see here the letter designation 2 II B after the letters L.I. 14, which is Luftwaffe Inspectorate 14, which is a medical service of the Luftwaffe.

"Subject: Research order on freezing.

"Reference:"—

Then follows a series of letters, the meaning of all of which I do

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not know. It says "D.R.d.L." I don't know the meaning of that. Then
comes "and Ob.d.L." That means Oberkommando der Luftwaffe. Then



"Ch.d.Luftwaffen L.In. 14", I think, means Chief of the Luftwaffe Inspectorate 14, who at that time was Erich Hippke. Then immediately under that you see again the letter characters "2 II B", which refers to the Department for Aviation Medicine, the chief of which was Anthony, the author of this letter, and his chief assistant was the defendant Becker-Fraysang. The letter reads:

"The Inspectorate of the Medical Service of the Luftwaffe has given an order for research to the Stabsarzt Professor Dr. Holzlochner, reference above, dated 24 February 1942, for work on the following problem: 'The effect of freezing on warm-blooded subjects'."

Now I'd like to pause again, Your Honors, and emphasize the meaning of that short paragraph. It states that the order has been given for research to Holzlochner, who collaborated with Rascher in these freezing experiments. "Reference above" — and the reference is to reference No. 1 dated 24 February 42, as there carried in the reference, and the Department for Aviation Medicine 2 II B appears very clearly, indicating that that research order came through the Department for Aviation Medicine and that the defendant Becker-Fraysang was in that office at that time.

"At the proposal of Stabsarzt Dr. Rascher appropriate examinations were made of human beings, and in agreement with the Reichsfuehrer-SS suitable SS facilities were used for the examinations.

"In order to carry out these examinations, a research group 'Hardships at Sea' was set up, consisting of Professor Dr. Holzlochner as leader and Stabsarzt Dr. Rascher and Dr. Tinke.

"The leader of this research group reported that the examinations have been concluded.

"It is intended to dissolve the research group at the latest by 15 October 1942.

"The research documents and an extensive report will be presented to the Reichsfuehrer-SS by Stabsarzt Dr. Rascher. It is requested that the originals or copies of the report and of the documents be put at the disposal of the Inspectorate of the Medical Service of the Luftwaffe.

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"It is intended to make the results, in the form of an extract,
accessible to experts at a conference which will take place in Muernberg
on 26 and 27 October 1942.



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The daily schedule of the conference is enclosed.

"The SS Central Office, Medical Department has been invited to this discussion by letter, dated 30 September 1942".

I would like to state in that connection that if my memory serves me correctly that the--I beg your pardon, the reference must be there to the department run by Dr. Grawitz. I was about to say that the defendant Gonsken however-- his office, as I recall, was attached to the SS Fachrangshauptamt, which is the operational headquarters of the Waffen SS, and the reference here is to the SS Central Office to which Grawitz' Office was attached.

"It is further requested to abstain from forwarding the documents and the report to other non-medical offices".

It is there signed: "By order Mullen. True copy". Signature: "Anthony".

The rest of the letter simply gives the date and place of the meeting, which was held in the Deutsche Hof in Murnberg on the 26 and 27 of October 1942, and it also gives the agenda of the meeting. And Your Honor will see that it is dealing exclusively with problems of cold.

I call your attention to Page 24 of the Document Book to the note that Oberstabsarzt Dr. Melts is also to speak on freezing problems at the same meeting.

The next exhibit will be Document #9-225 which will be Prosecution Exhibit 89. This is a letter from Sigward Rascher to Himmler dated October 16, 1942.

"Very honored Reichsfuehrer:

"By order of the Chief of LIN 14 of the Reich Air Ministry, I have been ordered to submit an oral report concerning the most recent Dachau work to you very honored Reichsfuehrer SS.

"Since your time does not permit it, I herewith request most obediently that you approve the release of the results of these experiments.

"At the same time I beg you kindly to let the Adjutant's Office, Reichsfuehrer-SS in Munich, have a decision concerning the matter, by teletype, as the report is to be utilized on the occasion of the Luftwaffe conference of 25 October '42 dealing with cold experiments. This date is urgent, for the reason that countermasures must be taken against freezing of airmen. Signed: Rascher".

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Document 1916-PS will be Prosecution Exhibit 90. This also is a letter from Dr. Rascher, the Reichsfuehrer dated 16 October '42.

"Permit to submit the attached final report on the super-cooling experiment performed at Dachau. This report does not contain the course and results of a series of experiments with drugs as well as experiments with animal body heat which are now being conducted. Likewise, this report does not contain the microscopic pathological examinations of the brain tissues of the deceased. I was surprised at the extraordinary microscopic findings in this field. I will carry out experiments before the start of the conference in which the effects of cooling will be discussed and I hope to be able to present further results by that time.

My two co-workers left Dachau about eight days ago.

"In the hope that you, highly esteemed Reichsfuehrer, will be able to spare a quarter of an hour to listen to an oral report, I remain, with the most obedient regard and Sall Hitler! Yours respectfully, Rascher".



We come now to the final report on the cooling experiments on living human persons at Dachau. This is Document NO-428 and it will be Prosecution Exhibit 91.

This report is rather long, Your Honors, and while I do wish to read a number of excerpts from it, there are several things which I think we can omit, although I am sure that you will wish to study the report in full.

On page 29 they give the problem of the experiment and I think it would be well for me to here read that excerpt, as well as the general procedure of the experiment, and also some excerpts on their clinical findings. And I also call your attention to a certain exhibit, or a certain appendix attached to the report.

"I. Problem of the Experiment.

"Up to the present time there has been no basis for the treatment of shipwrecked persons who have been exposed for long periods of time to low water temperatures. These uncertainties extended to the possible physical and pharmacological methods of attack. It was not clear, for example, whether those who had been rescued should be warmed quickly or slowly. According to the current instructions for treating frozen people, a slow warming up seemed to be indicated. Certain theoretical considerations could be adduced for a slow warming. Well-founded suggestions were missing for a promising medicinal therapy.

"All these uncertainties rested in the last analysis upon the absence of well-founded concepts concerning the cause of death by cold in human beings. In the meantime, in order to clarify this question, a series of animal experiments were started. And, indeed, those officials who wished to make definite suggestions to the doctors in the sea rescue service had to assume a great deal of responsibility if it came to a question of convincing and consistent results in these animal experiments. At this particular point it is especially difficult to carry the findings in animals over into the human field. In the warm-blooded one finds a varied degree of development in the heat regulating mechanism. Besides this, the processes in the skin of the belted animals cannot be carried over to man,

II. General procedure of the Experiment.

The effect of water temperatures of 2°, 3°, to 12° C were investigated. A tank 2 x 2 x 2 m. served as an experimental basin. The water temperature was attained by addition of ice, and remained constant during the experiment. The experimental subjects were generally dressed in equipment such as the flyer wears, consisting of underclothing, uniform, a one piece surfer or winter protective suit, helmet and aviators fur lined boots. In addition they wore a life preserver of rubber or kapok. The effect of additional protective clothing against water-cold was tested in a special series of experiments, and in another series the cooling of the unclothed person was studied.

The bodily warmth was measured thermoelectrically. Following preliminary experiments in which gastric temperatures were measured, by a Thermic sound, we adopted the procedure of continuously registering rectally the body temperature. Parallel with this the recording of the skin temperatures was undertaken. The point of measurement was the skin of the back at the level of the fifth thoracic vertebral process. The thermoelectrical measurements were controlled before, during, and after the experiments by thermometric test of the cheek and rectal temperature.

In severe cooling, checking of the pulse is difficult. The pulse becomes weaker, the musculature becomes stiff, and shivering sets in. Auscultation during the experiment by means of a tube stethoscope fastened over the tip of the heart proved effective. The tubes were led out of the uniform and made possible the continuous listening to the heart during the stay in the water.

Electrocardiographic controls were not possible in the water. After removal from the water they were possible only in those cases in which a too severe muscle shivering did not disturb the electrocardiograph records.

The following chemical studies were carried out: following up of the blood sugar picture; the sodium chloride picture in the serum; the non-protein nitrogen; the alkali reserve; the alkali reserve of the venous and arterial blood, and sedimentation rate (before and after the experiment). Besides this the general blood condition and viscosity were followed during the

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experiment, and before and after the experiment the resistance of the red blood cells and the protein content of the blood plasma were measured.

The following urinalyses were made regularly : sediment, albumen, sugar, sodium chloride, acetone, acetic acid, as well as qualitative albumen determination.

In part of the experiment lumbar and suboccipital punctures were made as well as corresponding spinal fluid studies.

Among physical and therapeutic measures the following were tested :

- a) Rapid warming by means of a hot bath,
- b) Warming by means of a light cradle,
- c) Warming in a heated sleeping bag,
- d) Vigorous massage of the whole body,
- e) Wrapping in covers,
- f) Diathermy of the heart." ...

On the following two pages, your Honors, certain charts and appendices have been inappropriately inserted in the middle of this document. They really belong at the back. The context of the document continues on page 34 of the English Document book.

" in addition the following drugs were given : Strophanthin i.v.; Cardiazol i.v. and i.c.; Lobolin and Geramin i.v. and i.c.. In other experiments alcohol or grape sugar was given.

A part of the experiments were begun under narcosis (8 cc. Evipen i.v.)."

Only part were done under narcosis.

The clinical picture of cooling I think worthwhile to read since it is clearly stated there was considerable pain and suffering during the course of these experiments.

" III. The clinical picture of cooling.

The clinical picture as well as the behavior of the body temperature showed certain regularities in the general course; the time of appearance of certain phenomena was, however, subject to very great individual variations. As one might expect, a good general physical condition delayed the cooling and the concomitant phenomena. Further differences were conditioned by the position of the subject in the water and the manner of clothing. Furthermore,

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differences showed up between experiments in which the subject lay horizontally in the water so that the nape of the neck and the back of the head were splashed with water, and others in which neck and head protruded freely out of the water.

Peculiarly, the actual water temperatures between 2°C and 12°C , had not demonstrable effect upon the rate of the cooling. Naturally such an effect must exist. But since besides the already mentioned individual differences and those due to experimental conditions, the various subjects cooled on different days at different rates of speed, the effect of the actual water temperatures between 2° and 12° disappears behind such variations.

If the experimental subject were placed in the water under narcosis, one observed a certain arousing effect. The subject began to groan and made some defensive movements. In a few cases a state of excitation developed. This was especially severe in the cooling of head and neck. But never was a complete cessation of the narcosis observed. The defensive movements ceased after about 5 minutes. There followed a progressive rigor, which developed especially strongly in the arm musculature; the arms were strongly flexed and pressed to the body. The rigor increased with the continuation of the cooling, now and then interrupted by tonicclonic twitchings. With still more marked sinking of the body temperature it suddenly ceased. These cases ended fatally, without any successful results from resuscitation efforts.

In the course of the narcosis experiments the avian effect in a few cases went directly over into a cold narcosis; in other cases one could determine a transitory return of consciousness, immediately following the awakening effect already described; at any rate, the experimental subjects were dizzy. Cold pain was not expressed.

Experiments without narcosis showed no essential differences in the course of cooling. Upon entry into the water a severe cold shuddering appeared. The cooling of the neck and back of the head was felt as especially painful, but already after 5 to 10 minutes a significant weakening of the pain sensation was observable. Rigor developed after this time in the same manner as under narcosis, likewise the tonicclonic twitchings. At this point speech became difficult because the rigor also affected the speech musculature.

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Simultaneously with the rigor a severe difficulty in breathing set in with or without narcosis. It was reported that, so to speak, an iron ring was placed about the chest. Objectively, already at the beginning of this breathing difficulty, a marked dilatation of the nostril occurred. The expiration was prolonged and visibly difficult. This difficulty passed over into a rattling and snoring breathing. However the breathing at this point was not especially deep as in Kussmaul's breathing nor were any Cheyne-Stokes breathing or Biot's breathing to be observed. Not in all subjects, but in a great number, a simultaneous hindering during this breathing through very profuse secretion of mucus could be established. Under these conditions sometimes a white, fine-bubbled foam appeared at the mouth which reminded one of an incipient lung edema. Though it was not possible to determine this symptom with certainty by clinical auscultation; only a sharpened unclear breath sound was audible. This foam might occur early, that is, at rectal temperatures of 32° C to 35° C. No special significance was to be attributed to this regarding the outcome of the experiment, which is the opposite of the described relaxation of rigor. The rate of breathing increased at the beginning of the experiment, but after about 20 minutes it decreased to something like 24 per minute with slight variations.



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" In general a definite dulling of consciousness occurred at the dropping of the body temperature to 31 degrees Centigrade rectal temperature. Next, the subjects still responded to speech but finally answered very sleepily. The pupils dilated markedly. The contraction under light became increasingly weaker. The gaze was directed overhead with a compulsive fixation. After withdrawal from the water an increase in the reflexes was evident in spite of the rigor, and regularly a very marked drawing up of the testicles occurred which practically disappeared into the abdomen. Early in the experiment the face was pale. After 40 to 50 minutes cyanosis appeared. With this the face appeared redder, the mucous membranes bluish-red.

The skin veins were not maximally collapsed and were virtually always penetrable.

" The heart activity showed a constant change independent of all other individual variations, which was noticeable in all subjects. Upon introduction into the water with narcotized subjects as well as non-narcotized subjects, the heart rate went suddenly to about 120 per minute. At a rectal body temperature of about 34 degrees Centigrade, it then began to become increasingly slower and to sink continuously to about 50 per minute.

" The bradycardia at a body temperature of about 29 to 30 degrees Centigrade changed suddenly to an arrhythmia perpetuator, as the case may be, to a total irregularity, and this began with a slow form of about 50 beats per minute; this slow form of irregularity could be transformed into a faster one. The transformation to the faster form was not an unfavorable sign regarding life.

" When an electrocardiographic control after the experiment was possible, it regularly showed a Verhoffletter. Let it be anticipated that this irregularity could continue to exist after the cessation of the cooling and a recovery of the body temperature to 33 or 34 degrees Centigrade one and a half to two hours after removal from the water, but then customarily changed of itself and without therapeutic aids into a coordinated heart activity. In the same way, let it be anticipated that in all cases with a lethal termination, a sudden cessation of the heart beat ensued upon an irregularity of the slow type.



" A check of the blood pressure was attempted, but was in no case satisfactory since an exact measurement was not possible in the decisive stage of the experiment because of the severe rigor and muscle fibrillation .

" Reference has already been made to individual differences in the behavior of the rectal temperatures. Figure 4 gives an example which includes four experiments, in which four different experimental subjects were cooled at identical water temperatures and with identical clothing. It was shown that in water at 4.5 degrees Centigrade temperature the time required for reaching a rectal temperature of about 29.5 degrees Centigrade varies between 70 and 90 minutes. But nevertheless the diagram shows that in spite of these individual differences, it is observable that the progress of the rectal temperature proceeds according to rule. The body temperature begins to sink more rapidly from about 35 degrees Centigrade."

I'll skip the next paragraph, and on page 39, the middle of the page, it states :

" In our experimental series, the lowest rectal temperatures which could be survived varied individually just as did the progress of the temperature drop. In general, (in six cases) death occurred with a drop in temperature to values between 24.2 and 25.7 degrees Centigrade. In one case, however, a drop to 25.2 degrees Centigrade was survived. This experiment fell outside the typical picture insofar as after 90 minutes at 26.6 degrees Centigrade a virtually stationary condition of the rectal temperature had become established for 85 minutes. We will come back again to this special experiment.

Then I shall skip to page 40 at the bottom of the page :

" In order to follow up the effect of isolated cooling of the neck and back of the head on consciousness, body temperature and circulation, this was undertaken in three special experiments. The experimental subject lay horizontal; the back of the head the neck were dipped into a receptacle through which water of corresponding temperature was continuously run. In an experiment of three hours' duration there occurred small temperature drops of not more than 0.6 degrees Centigrade. The water temperature was 1 to 2 degrees Centigrade. In one case after 50 minutes a marked sleepiness

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occurred which changed over into a deep narcosis. The heart activity was variable, and obvious bradycardia could not be observed. Irregularity never developed. Changes were not seen in the electrocardiograph. On the other hand, in all three subjects the spinal fluid pressure was markedly increased after the ending of the experiment to maximal values of 300 mm. After the experiment, ataxia and definite Romberg phenomena were observed, as well as an exaggeration of the normal reflexes; pathological reflexes were absent."

The next section, IV, deals with Blood, spinal fluid, and urine during freezing; and I shall not take these up here.

Section V also deals with recovery after cooling and its dependence upon physio-therapeutic measures.

Section VI on page 50 I think perhaps I should read, since its title is "Death after Cooling in Water; Practical and Theoretical Considerations:"

"Reports to the effect that those who have been rescued at sea are imperilled for a considerable time after rescue have aroused special attention. It has been reported especially that sudden cases of death occurred as much as twenty minutes to ninety minutes after rescue, and that in mass catastrophes these sudden deaths could amount to mass dying (rescue collapse). These observations have set off far-reaching discussions. Bleeding in the re-warming periphery, breakdowns of neural and humoral correlations and similar ideas have been brought up.

"In contrast to this, our experiments give a relatively simple explanation of cold-death under these conditions. With the exception of a single case, a total irregularity of the heart chamber could be definitely demonstrated in all cases of cooling under 30 degrees Centigrade (50 experiments), when the rectal temperature reached 29 degrees Centigrade and usually already at a cooling of 31 degrees Centigrade. The exception was an experiment on an intoxicated subject, which is to be gone into more fully below.

"Furthermore, a heart-death was established clinically in all cases of death observed by us. In two cases breathing ceased simultaneously with the heart activity. These were cases in which it was specially noted that the neck and the back of the head lay deep in the water. In all remaining

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cases breathing outlasted the clinical chamber-cessation by as much as twenty minutes. In part this was 'normal, much-decolored breathing', in part an apyral form of gasping. As already referred to, a Verhoff-lutter could be demonstrated cardio-raphically during the irregularity.

" In cases in which a special cooling of neck and back of head had existed before death, the autopsy showed a marked brain edema, a tight filling of the general brain cavity (Hirnhöhlen), blood in the spinal fluid as well as blood in the Michaelis-Rhodoid (Rautenrube).

" The heart finding is warrant our taking a certain attitude toward the question of rescue collapse. As Figure 5 shows, death occurred relatively quickly after removal from the water, which may be compared with rescue. The longest interval involved was fourteen minutes. It is to be noted, however, in the first place, that almost certainly a much larger number of deaths would have been observed if an active heart therapy had not almost regularly been coupled directly with the completion of the experiment; in the second place, that in such cases there would have been very much longer intervals. We have already called attention repeatedly to the after-cooling following the experiment. In every case, where this had proceeded to a certain point, countermeasures were taken, since the experiments were never planned to end in death. One may well imagine, however, that in mass catastrophes, in which almost exclusively rescue collapse has heretofore been described, the therapeutic measures were confined to an unbreathing and trying off of the rescued, to other wit a subsequent wrapping in covers. Under these conditions, after-drops of great magnitude and long duration were to be expected. In the course of this delayed fall in temperature a heart death might occur as in our experiments.

" We should like to emphasize that the irregularity per se is not to be regarded in our experiments as a symptom of danger to life any more than in the clinic, but rather, as a sign of direct heart damage, which increases continuously with further falling off of temperature, until finally the heart fails. If the temperature drop is arrested, the slow form of irregularity passes over into a rapid form. This transition is a favorable sign for survival; for this irregularity virtually always

passes over of itself after a time averaging ninety minutes into normal heart activity. It continues therefore for a long time after the body temperature has already risen markedly. A danger to the circulatory system could not be demonstrated at this stage. In three cases the return of the heart action to normal occurred in spite of simultaneous energetic physical work."



The report continues by making scientific observations about death resulting from cold. It also discusses comparative results they obtained with those obtained in animal experimentation. I would call your attention to some of the language on the top of page 55 where it states:

"The idea that cold death in water depends upon failure of the heart, accompanied or unaccompanied by breathing, is subject to limitation. One experiment among fifty-seven was typical."

I just wanted to point out the words "fifty-seven" so that the Court may gain some idea of the extent of these experiments.

Part VII on page 57 deals with the influence of pharmacology and the question of alcohol which I think we may omit reading here.

Part VIII on page 61 deals with preventive measures. They tested the effect of various types of protective clothing including a so-called "foam suit" which is something I imagine Your Honors are familiar with. It is a type of chemical that generates heat when it becomes wet.

Part IX is concerning life jackets in which they make certain recommendations about improving the design of life jackets in order they may increase the efficiency and protect the back of the head and neck.

I think I might read Part X which is a summary, on page 69:

"1. The curve of rectal temperature of human beings chilled in water of 2°C to 12°C shows a gradual drop to about 35°C, after which the drop becomes rapid. Death may occur at rectal temperature below 30°C.

"2. Death results from heart failure. The direct damage to the heart becomes evident from the total irregularity observed in all cases, setting in at approximately 35°C. This cardiac damage is due to overloading of the heart, caused by the marked and regular increase in the viscosity of the blood, as well as by the marked throttling of large peripheral vascular areas; besides, a direct injury to the heart by the cold is also probable.

"3. If the neck is also chilled, the lowering of the temperature is more rapid... This is due to interference with the temperature-regulating and vascular centers; cerebral edema also makes its appearance.

"4. The blood sugar rises as the temperature falls, and the blood sugar

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Does not drop again as long as the body temperature continues to fall. This fact suggests an intermediary disturbance of metabolism.

"5. Aspiration of the chilled subject is rendered difficult due to the rigor of the respiratory musculature.

"6. After removal from the water the body temperature may continue to fall for 15 minutes or longer. This may be an explanation of deaths which occur after successful rescue from the sea.

"7. Intensive re-warming never injures the severely chilled person.

"8. Strophanthin treatment was not observed to have been successful. The question of the use of strophanthin remains open, however. Remedies which influence the peripheral circulation are definitely not advisable.

"9. The most effective therapeutic measure is rapid and intensive heat treatment, best applied by immersion in a hot bath.

"10. By means of special protective clothing, the survival time after immersion in cold water could be extended to double the survival time of subjects who were immersed without protective clothing.

"11. Certain proposals for improvement of life-jackets are being made.

"Concluded on 10 October 1932.

Signed: Prof. Dr. Holzknecht

Dr. Kaseher

Dr. Finko".



I would like to call the Court's attention to several of the appendices which are attached to the original German document. You may perhaps have to refer to them in order to get a clear picture of what is shown. For example, Figure 2... I think you might probably have some difficulty finding it there now, your Honors. You may probably wish to refer to it in your office. The point I wanted to make is that in Figure 2 of the Appendices it shows the temperature, pulse and respiration at death, and Figure 5 is a very interesting document which gives in a chart form the experiment number, the water temperature, the body temperature on removal from water, the body temperature at death, the time in water and the time of death. There are seven such cases given. Surely this is the shortest and most succinct

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report of murders in the history of criminalology.

If the Tribunal please, you will note that the next two documents appearing in the document book are pictures numbered Document no-855. These pictures will not be introduced this afternoon because we will call on Mr. George Tauber to the stand tomorrow.

THE PRESIDENT: What page are they on?

MR. McHANEY: Between Pages 76 and 77. They're little photostatic copies.

THE PRESIDENT: The document number is what?

MR. McHANEY: Number 855. It is in the upper left hand corner. We will have the authenticats and have these documents admitted through the testimony of George Tauber tomorrow. However, as it will be revealed, an inmate at Dachau and had an opportunity to draw these pictures.

The next document will be 1609-PE which is Prosecution Exhibit 22. It is a letter from Heinrich Himmler to Rascher dated 9. October 1942.

"Dear Rascher:

"I acknowledge the receipt of your letter of the 9th and 10th and both correspondences of 15 October 1942.

"I have read your report regarding cooling experiments on humans with great interest. Major Sievers should arrange the possibility of observation at institutes which are connected with this.

I regard those people as high and notable traitors who, still today, reject those experiments on humans and would instead let sturdy German soldiers die as a result of these cooling methods. I shall not hesitate to report those men to the Offices concerned. I empower you to make my opinion, on this, known to the concerned offices.

"I invite you to a personal conference in November as

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I cannot make it sooner despite my great interest.

"SS-Lt.Gen.Wolff will once again get in touch with General Field Marshall Milch. You are empowered to make a report to the General Field Marshall Milch and, of course, to the Reichs Marshall of those who are not doctors.

"I think that covers, which have heat packets or something similar sewed in their linings, are the best for the warming of those who were stranded at



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and were picked up in boats or small vessels and where there is no possibility of placing these chilled people in a hot bath. I take it for granted that you know of those heat packets which we also have in the SS and which were used by the Russians a great deal. They consist of a mass which develops a warmth of 70 to 80° upon addition of water and retains it for hours.

"I am very curious as to the experiments with body warmth. I personally take it that these experiments will probably bring the best and lasting result. Naturally, I could be mistaken.

"Keep me informed on the following findings. Of course we will see each other in November.

Yours

(signed) H. HEESER.

The second copy was sent to Karl Gelf with a "request for acknowledgment and return since the Reich Puchrer SS in Munich wants these copies again". Sigmond Brandt - that is, the defendant "Adolf Brandt".

(The Tribunal adjourned until 12 December 1946 at 0930 hours).



CORRECTED COPY

Official Transcript of the American Military Tribunal in the Matter of the United States of America, against Karl Brandt, et al., defendants, sitting at Nurnberg, Germany, on 12 December 1946, 0930-1630, Justice Seals, presiding.

THE MARSHAL: The honorable Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal.

THE PRESIDENT: Will the Marshal ascertain if the defendants are all present.

THE MARSHAL: May it please Your Honor, all defendants are present in the courtroom.

THE PRESIDENT: The Secretary General will note for the record the presence of the defendants.

The prosecution will proceed.

MR. McHANEY: May it please the Tribunal, I will ask that the witness Wolfgang Lutz be called to the stand.

WOLFGANG LUTZ, a witness, took the stand and testified as follows:

THE PRESIDENT: Judge Sebring will administer the oath to the witness.
BY JUDGE SEBRING:

Q. Hold up your right hand and repeat the oath after me.

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Your name is Wolfgang Lutz?

A. Yes.

Q. Are you a German national?

A. Yes, I was a German national during the war held at Camp Marcus Warr near Salzburg?



A. Yes.

Q. When and where were you born?

A. In Linz on the Danube on the 27th of May 1913.

Q. Have you studied medicine?

A. Yes.

Q. Where and when?

A. 1931 to 1937 in Vienna and Innsbruck.

Q. What branch of medicine have you specialized in?

A. Internal medicine.

Q. Were you a member of the Luftwaffe during the war?

A. Yes.

Q. When did you join?

A. On the 8th of May 1939.

Q. What rank did you attain during the war?

A. At the end I was Stabsarzt.

Q. That is a captain in the United States Army?

A. Yes.

Q. Were you stationed in Munich during the war?

A. Yes.

Q. Do you know of a Luftwaffe installation called Bodenstaendigen
Versuchsstelle fuer Hohenforschung der Luftwaffe in Munich?

A. Institute for aviation medicine, yes.

Q. What was that installation, what did it do?

A. To carry out scientific work in the field of aviation medicine.

Q. Do you know Georg August Volz?

A. Yes.

Q. What was his relationship to that institute?

A. He was the head of the institute.

Q. Did the name of this institute of which Volz was the commanding
officer later change?

A. The institute resulted from an office for investigating high



altitude effects. To that extent the name was changed.

Q. To what was it changed?

A. The name first was Research Office for Air Fleet 3 and afterwards Institute for Aviation Medicine, Munich.

Q. And you say that Helts was the commanding officer of that institute?

A. Yes.

Q. Were you attached to Helts's institute during the war?

A. Yes.

Q. When and for how long?

A. I came to Helts in February 1940 and remained there until the end of the war.

Q. Did you do any high altitude research there?

A. Yes.

Q. With whom did you work in this high altitude research?

A. Primarily alone.

Q. Did you ever work with a scientist at the Helts institute by the name of Bondt?

A. Yes. I wrote a scientific treatise with him, together with him.

Q. Were you considered to be something of an expert in high altitude research?

A. Yes, I understand the question. I believe so, yes.

Q. And is the same true of Bondt who collaborated with you on this paper?

A. Not in that form I believe.

Q. Do you know Doctor Rascher, witness?

A. Yes.

Q. When and where did you first meet him?

A. At the institute. I believe in the second half of 1941.

Q. And it was the institute of Helts that you refer to?

A. Yes.

Q. Did Helts ever offer you the opportunity to do high altitude research on human beings in the Dachau concentration camp?

A. Yes, Melts asked Jandt and me whether we wanted to conduct such experiments.

Q. Did you accept or refuse this offer?

A. Both of us refused.

Q. Why did you refuse?

A. I personally primarily because I did not consider myself robust enough to conduct such experiments.



Q. Did you know that Dr. Rascher was going to make those high altitude experiments in Dachau?

A. It was discussed.

Q. You mean that it was known by various members of Woltz's Institute that those experiments were going to be carried out by Dr. Rascher?

A. It was discussed in the Institute, whether such experiments were useful -- were expedient.

Q. But I asked you if it was known in the Institute that Rascher was going to carry out those experiments.

A. I believe so; yes.

Q. And you state that you refused the offer of Woltz, to work on human beings in Dachau because you were not ruthless enough; is that right?

A. Yes.

Q. I take it that this means that you knew that brutality and ruthlessness would be required to do the work in Dachau?

A. Yes, I mean an experiment involving a certain danger for the experimental subjects, of course, to a certain extent, ruthless, shall I say.

Q. Now Witness, do you recall when this offer was made to you by Woltz?

A. I cannot say exactly.

Q. Did you ever see Ruff, and do you know a man by the name of Ruff, who was the head of the Department for Aviation Medicine in the RWL in Berlin -- Siegfried Ruff?

A. Yes.

Q. Did you know a man by the name of Hans Wolfgang Romborg?

A. Yes.

Q. Did you ever see those two men in Woltz's Institute in Munich?

A. Yes.

Q. Will you describe to the Tribunal the occasion on which you saw these two men there?

A. A short time after we had refused to conduct the experiments, RUFF and ROMBERG appeared at the Institute. WEIDT and I were in WELTZ's room, and WELTZ asked us to leave the room.

Q. Was it unusual for WELTZ to refuse you and WEIDT admittance to conferences at the Institute?

A. Yes. That was something unusual.

Q. Do you know what was discussed between WELTZ and RUFF and ROMBERG, on the occasion of their visit to WELTZ's Institute?

A. No; we were not informed.

Q. Do you know that RUFF and ROMBERG later worked in Dachau on these high altitude experiments with Dr. Rascher?

A. Do know that; yes.

Q. Now I will ask you, witness, if you attended a certain conference on Aviation Medicine held in the city of Nurnberg on the 26th and 27th of October, 1942?

A. Yes.

Q. Do you remember, on the occasion of that meeting, that a paper was read by a man by the name of HOLZLOEHNER?

A. HOLZLOEHNER -- yes, I remember that.

Q. And what was the subject of the paper which HOLZLOEHNER read?

A. The subject of the paper was experiments -- rather, experiences -- made on people whose body temperature had been greatly reduced by putting them in cold water.

Q. It was made clear at this conference by HOLZLOEHNER that experiments to study the effects of freezing had been made on living human beings?

A. Not the effects of freezing, but of general cooling.

Q. Did Rascher also have something to say at this meeting?

A. HOLZLOEHNER's report did not indicate that the experiments had been conducted on concentration camp inmates, and Rascher then rose and uttered a few sentences which indicated that the experiments had been instigated at the special suggestion of Himmler.

Q. And what did the statement that these experiments had been made with the support of the Reichsfuehrer SS Himmler, mean to you?

A. That is difficult to say. I believe that those present, on the whole, were quite impressed by this information.

Q. I will ask you if it was not understood at this meeting that these experiments had, in fact, been conducted on concentration camp inmates?

A. I cannot judge that with great certainty, but I believe that must have been clear for most of them.

Q. Was it not also made clear, by the talks of HOLZLOEHNER and Rascher, that a number of the experimental subjects had been killed during the course of these experiments?

A. One could at least assume that that had been the case, because HOLZLOEHNER mentioned certain observations of heart failure among the experimental subjects.

Q. Wasn't an important part of the clinical picture given to you and the rest of the meeting by HOLZLOEHNER, concerned with the causes of death from cold?

A. I cannot recall that.

Q. But you do state that it could have been easily assumed that people have died during the course of these experiments?

A. Yes.

Q. Now, witness, I will ask you if, at a time after this meeting, you had a discussion with a certain army officer, concerning the freezing experiments in Dachau?

A. Yes.

Q. And what did this army officer tell you?

A. The man visited me at our Institute in Munich, and we discussed some results of animal experiments which I had conducted, and he told me that it must be similar, or that it was similar with human beings. When I asked him how he knew that, he told me that he had been in Dachau and that Rascher had demonstrated some experiments during that visit and had shown him what freezing to death looked like in human beings.

Q. In other words, it had been demonstrated to this army officer at Dachau, how people died from cold?

A. That was the impression that I had; yes.

Q. Do you remember the name of this army officer?

A. No.

Q. Now, witness, I will ask you if you have had a discussion with Becker-Freyson since the end of the war, concerning the high altitude experiments in Dachau?

A. No.



Q. Did you not on one occasion see Becker-Freyseng in a prisoner of war camp?

A. I met him in Eibling, yes.

Q. And, did he tell you that Erhardt Milch knew all about the High Altitude Experiments conducted by Doctor Rascher in Dachau?

A. Becker-Freyseng told me that the Medical Inspectorate, that is, his office, in dealing with concentration camp experiments was by passed; and that the Medical Inspectorate frequently had to try to prevent disaster.

Q. Did not Becker-Freyseng tell you that Erhardt Milch knew about the High Altitude Experiments at Dachau?

A. I cannot remember that exactly.

Q. Did he say anything about Erhardt Milch?

A. Yes, sir.

Q. What did he say?

A. That Milch had negotiated directly with Himmler regarding the execution of such experiments without consulting the Medical Inspectorate.

Q. I will ask your witness whether or not High Altitude problems are a matter which concerns a department for the Aviation Medical Inspectorate of the Luftwaffe. That is an aviation medicine problem, is it not?

A. The High Altitude Experiments, yes, certainly.

Q. Is the same thing true of freezing problems?

A. Yes, certainly.

MR. MCANNEY: I have no further questions at this time, your Honor.

THE PRESIDENT: The defense may cross examine the witness.

CROSS EXAMINATION

BY DR. WILLE:

Gentlemen of the Tribunal, may I request, in connection with this cross examination, that I may put a few questions to this witness within the framework of the subject which has been opened up by the prosecution against Professor Woltz.

Q. Witness, Doctor Lutz, may I ask you to answer a few questions of mine which I would like to put in order to supplement and contradict the statements of the prosecution. Please answer these questions truthfully--a few questions of a more personal nature. You were not only a collaborator of Professor Woltz in his Institute for Aviation Medicine, but also at the same time an assistant medical officer with him on certain occasions. You have assisted him in his X-ray activities in Munich, have you not?

A. Yes.

Q. May I now put this question to you. In connection with Professor Woltz's views about the medical profession, can you judge it generally? I mean to say, for instance, this: Are you aware of Professor Woltz's general attitude in respect to his profession; his spirit of humanitarianism; the consideration which he generally showed his patients; can you briefly deal with that. In other words, his general human ideas. Did you have any contact with him when you worked for Professor Woltz?

A. Partially, yes, certainly.

MR. MCLENNAN: May it please the court, I cannot see that this question is material, and I would like to raise an objection to it. Whether or not Doctor Woltz exhibited a humanitarian attitude toward his patients has absolutely nothing to do with this case, and I submit the answer of this witness will not be material to the case.

THE PRESIDENT: The objection will be overruled. The counsel may proceed.

Q. Tell me what reputation Professor Woltz had with his colleagues, the other expert doctors in Munich? Let me put it this way, first of all with the doctors of Munich? As an X-ray expert he must have had his cases assigned to him from other doctors. In other words, he must have been a man who, day after day, I would almost say, must have been in constant touch with all the doctors in Munich. Do you know how he was judged by them? I do not mean his qualifications as a scientist, but his personal manners; his human qualities and his qualities as an individual medical officer. Will you answer my question, please.

A. Professor Welts had a very large practice in Munich. I do not know in any way that his reputation was not excellent.

Q. Even in his capacity as a doctor and also from a human point of view, do you mean?

A. Certainly.

Q. Now, I have a question here, which in a certain sense is vague. You know from whom the plans originated to carry out the human being experiments in Dachau?

A. I do not know, but certainly not from Doctor Welts. I am certain it was Rascher's idea.

Q. In that case I can follow with this question: Can you say whether Professor Welts cooperated in the creation of this plan? Did he advance it in any way? To what extent did he participate in Rascher being allowed to do this? Was he responsible for it? Did he in any way talk to the Medical Institute authorities to get Rascher to this job?

A. I cannot answer that because in all this paper work I was not initiated. I do not know how Rascher came to our Institute or when he came.

Q. In that case I have this question to put to you: Do you know whether Professor Welts had overheard of Rascher being attached to the Institute?

A. I cannot say that either.

Q. Then this following question is connected with this problem. Are you aware whether Kottenhof had anything to do with Rascher being attached to the Institute in any way?

A. That is quite possible.

Q. You do not know any details about that, do you?

A. Perhaps, if you ask me about them.

Q. Do you know whether Doctor Kottenhof, later or earlier, had been connected with the so-called monkey experiments which he was supposed to have carried out together with Rascher?

A. I know he conducted experiments on monkeys. I do not know that he worked with Rascher.

Q. Do you know whether that was the reason for the fact that Kottenhof recommended Rascher's transfer to the Aviation Institute, and aimed at that?

A. That might be, yes.

Q. Now, then, a few questions regarding Professor Volts's attitude toward Dachau. Do you know -- incidentally the previous examination has shown this quite clearly -- do you know how Professor Volts, generally speaking, reacted to the meetings, the atmosphere in Dachau, and the experiments which were carried out there in connection with high altitude and freezing? What was his general attitude to those experiments at Dachau?

A. At that time, when the subject of Dachau came up for the first time, we, that is, Volts, Benit and I, discussed the problem basically; that is, we assumed that essential experiments for part of the war were being undertaken and the results of which we hoped to save the lives of soldiers; and that these experiments were being conducted on criminals who had been condemned to death by a regular court, and who were given an opportunity to be pardoned by participating in these experiments. We discussed this back and forth, but we did not come to any clear decision.



Q. Did you know or do you know that on the occasion of a visit of Professor Kipke in the spring of 1942, the question came up whether and to what extent experiments on human beings had to be made on behalf of the Air Force and then that question was discussed in great detail, not in an official discussion but in a private conference or discussion? And is it known to you that Professor Woltz on that occasion -- as, incidentally, he had expressed himself to you at the Institute, as you said yourself--expressed his attitude clearly with reference to experiments on human beings? Can you tell me under what conditions Professor Woltz approved experiments on human beings?

A. I believe that Woltz, and Ruff and Rosenberg later, assumed the condition which I just mentioned, namely that the experiments were to be conducted only on criminals, I might almost say they were being done in favor.

Q. Was there not one other prerequisite--Woltz demanded clearly that these criminals should volunteer and that a certain amount of grace should be granted in compensation.

A. That was the tacit condition for our discussion. We were quite surprised afterwards that at least in the later stages of the experiments, as far as I know now, this question did not come up.

Q. Did Professor Woltz tell you at any time or did you have any clue that Professor Woltz was afraid to try those experiments in Dachau, or that he had turned down the whole idea because he on his part was afraid of objections on the part of the Medical Inspectorate? Did you think that that was the reason why Woltz was objecting to Rascher's experiments -- because he was afraid that his department heads would object?

A. Doctor, could you repeat that? I did not understand it.

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Q. Yes, I will repeat it again. Did you have any clue indicating that the reason why Woltz objected to the experiments in Dachau was that he was afraid of objections from his superior department, the Medical Inspectorate, so to say? Or don't you feel, weren't you conscious of the fact that he on his part was energetically refusing to carry out those experiments?

A. I believe that Woltz was not at Dachau.

Q. I was just going to ask you. Do you know whether or how often Woltz has been to Dachau?

A. I do not know anything about that. Of course I was not Woltz' guardian angel, I was not informed about everything he did, but I did not hear about it.

Q. But never-the-less, you, as Stabsarzt, and as his adjutant and collaborator, you must have been well informed about practically everything that Woltz was touching in the case of aviation medicine?

A. In general, yes.

Q. Therefore you must have had knowledge of any visits Woltz made to Dachau?

A. Yes, I probably would have had to know about it.

Q. Can you give me further details about the conditions under which this joint work of Ruff and Rosenberg on one part and Rascher on the other, was brought about?

A. I know nothing about that, nothing important, I believe.

Q. Did Professor Woltz not report to you about it? Did he not tell you that on the occasion of a meeting at Adlershof near Berlin, he talked to Ruff and Rosenberg and that he informed them he was approaching them with a view to forming a joint working committee with them?

A. I had to assume so when I saw Ruff and Rosenberg at our office.

Q. Are you also aware of the conditions for such a collaboration and were they told you by Professor Woltz either at the beginning or later?

A. No, I can't recall.

Q. Do you now know that these gentlemen, Ruff and Rosenberg, based their work on the supposition that experiments which were to be carried out were first of all to be carried out on their own persons so that the danger, as such, was excluded by that means? Didn't you hear about that? Didn't Professor Woltz report that to you?

A. Please, it is possible, but I can't remember at the moment.

Q. Can't you remember that Professor Woltz said with reference to Rascher's qualities as a doctor and a scientist and as to his character that he showed the greatest possible distrust and that because of that he was, if I may say so, satisfied to find that for these experiments in Dachau Rascher came under the control of a reliable scientist?

A. I am convinced of that.

Q. But you yourself did not actually hear about that from Woltz?

A. As to the scientific and other qualities of Rascher, there is no use talking about that.

Q. I am extraordinarily interested in that question and your answer. May I follow it up with this question? You must have discussed these matters amongst yourselves at least, all of you. How did everybody judge the scientific qualities shown by Rascher?

A. There weren't any.

Q. Did you know that Professor Woltz shared that opinion?

A. I know for sure that Woltz did not have a high opinion of Rascher.

Q. Well then, let me return to a previous question.

"Do you consider it possible under those circumstances, possible at all, -- would you credit Professor Woltz with having told you and Dr. Wendt to collaborate with a medical officer, with a doctor when you yourself have already stated was a scientific failure and who, in your opinion also inferior. Could you have reason to assume that such a collaborator to you could have been meant seriously?"

MR. McHANEY: If Your Honors please, I must object to that question. I mean he is asking this man for his opinion as to whether or not he believes it is possible that Dr. Woltz could have collaborated with Rascher in any respect. That is the sense I get from his question and I cannot see that this man's opinion on that subject is material or has any probative value whatsoever. It is a question of fact whether or not Woltz did collaborate with Rascher and it is really not a matter of opinion to be passed by this witness. Now he can testify as to whether or not he knows whether or not Woltz did in fact collaborate with him but clearly, putting the question in the form of an opinion as to whether he thinks it is possible that Woltz could have done so, I just don't think is at all probative.

DR. WILLE: May I define my attitude in regard to that? I think, Your Honors, that we are here concerned with a very serious statement of fact which only this witness can ascertain. He alone must know whether under such circumstances as I have previously described, the question could have been taken seriously by Professor Woltz at all. As far as that is concerned we are definitely concerned with the statement of a fact which can only be made by this witness. I therefore beg you to admit this question as relevant and as admissible.

THE PRESIDENT: In this cross-examination the witness will be allowed considerable latitude. The objection will be

overruled.

BY DR. WILHE:

Q. May I ask the witness then to answer this question?

A. Woltz, in the way in which he formulated the question, let it be seen that he expected that we would refuse. He called us in and he asked us "Do you want to conduct these experiments in Dachau?" and he continued to me: "Mr. Lutz, I do not believe that you want to do that because I know you are rather religious." These were his exact words, so that he neither forced us or urged us to agree. Rather, on the contrary, he made refusal easy for us.

Q. Then I have a further question to put to you which is directly connected with the Institute. Can you tell me if the program for experiments and that work carried out by that Institute had previously been discussed with all officials of that Institute so that Professor Woltz, if he had seriously wanted you to collaborate in those experiments would, according to custom, have discussed the entire program of experiments with all his collaborators to have them approve it?

A. It was generally usual that in joint discussions we settled our further work.

Q. So that in this case too, according to the custom which you just confirmed, a written statement regarding the plan would have had to take place in the records of the Institute because apparently those resolutions which you passed, those working programs, were put down in writing, weren't they?

A. Yes, that was what we usually did.

Q. And that didn't happen in this case, did it?

A. I can't say. No program was discussed.

Q. But after all, the execution of working programs was up for discussion. If Professor Woltz did make suggestions to

you that you should collaborate, surely a discussion must have taken place as to what this work should deal with?

A. No, it was not discussed. We of course know from the whole background what it was about but no working program was set up.

Q. A further question which deals with Rascher's appointment, his being attached, shall we say? Do you know that Rascher, in the spring of 1942, at any rate before the 16th of March 1942, showed Woltz a telegram from Himmler, according to which experiments were to be kept secret from everybody, including Woltz? Did you have knowledge of that telegram?

A. There must have been something of that sort, I believe. I recall that there were difficulties between Woltz and Rascher and this telegram seems somehow to be the climax of those difficulties.



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Q Did you perhaps gain knowledge of the fact that Professor Woltz, subsequent to that information being received regarding the Himmler telegram and, I mean subsequent to Dr. Rascher's refusal to continue with the experiments in Dachau, Woltz immediately subsequent to these events had him transferred away from his institute, which was something he applied for to his superior at Dachau. Do you know any details about that?

A Not really, as I had nothing to do with these matters.

Q Let me put to you a question dealing with the subsequent developments of these experiments in Dachau. Do you have any knowledge of the fact that the institute of Woltz, or Professor Woltz personally, did at any time deal with the details of these experiments in reporting cases of death to the meeting in Nuremberg?

A Impossible, the whole thing had nothing to do with us at all.

Q But was it safe to assume that Professor Woltz became acquainted with the subject when he was asked to be a collaborator?

A He was not asked this.

Q At any rate, he put it to you that he knew of these shattering revelations regarding the deaths.

A What deaths?

Q The deaths regarding the experiments in Dachau.

A Personally I know nothing about that even now.

Q Now then, do you have any clues showing that Professor Woltz might have tried to get ahold of this experimental work which Rascher made afterward, that he tried to replace Rascher at Dachau when Rascher himself and his wife started to complain? Would you consider that a possibility or a probability?

A That Woltz wanted to get Rascher out?

Q Yes, you know that was claimed by Mrs. Rascher.

A I have no reason to believe so.

Q I am through, My Lord.

DR. FRITZ SAUTER FOR DEFENDANT DR. RUFF.

BY DR. SAUTER :

Q Witness, on behalf of Dr. Ruff, I should like to put a few questions to you. When did you meet the defendant, Dr. Ruff, for the first time? When?

A I believe in France in 1940.

Q In 1940?

A Yes, in 1940 - excuse me, I mean in 1941.

Q Was that before these experiments were conducted at Dachau?

A Yes.

Q In that case it must be 1941.

A Yes.

How did it happen that you met the defendant, Dr. Ruff? Did you meet him often? Did you make his acquaintance very well or just professionally?

A I should like to say professionally and officially and we spoke to each other occasionally outside of business.

Q Doctor, is it true to say that there were professional contacts? Do you understand what I mean?

A Yes, I do.

Q That that consisted of working in a sub-pressure chamber and for four or five weeks you were together with Dr. Ruff working in France?

A Yes.

Q So that there was a low pressure chamber, which was mobile and which was constructed very similar to that one which in 1942 was constructed in Dachau for the high altitude experiments?

A I do not know the chamber in Dachau, but the chamber

Q The chamber, which you operated, together with Dr. Ruff in France, that served for altitude experiments for the air force, did it not?

A Yes.

Q How long were you together with Dr. Ruff in France?

A I believe for two or three weeks.

Q But, Dr. Ruff says for four weeks.

A Well, I believe Dr. Huff came a little later, he came a little later.

Q At any rate, it was a few weeks?

A Yes

Q You already said that on that occasion you did not only meet on duty, but also off duty personally on social occasions?

A Yes.

Q Well, then, what did Dr. Ruff tell you at that time regarding his attitude toward experiments on human beings, in particular with reference to the experiments which were carried out with your pressure chamber?

A That chamber?

Q The pressure chamber, which you had there.

A At that time in France there were not experiments of the type conducted in Dachau. There was no question of such experiments.

Q There was not question of it?

A No.

Q Then you did make experiments?

A They were not even scientific experiments, they were only investigations and examinations on pilots.

Q Surely that adds up to the same thing?

A No, but if you say so yes. Pilots were tested for their suitability and after some time we gathered certain experiences.

Q Do you know that at that time, when you were together with Dr. Ruff in France, Dr. Ruff himself was also making experiments, that is to say experiments in the chamber on his own person?

A Yes, I believe so.

Q Did he on these experiments on himself make the same demands on his own body, which later on he made on the experimental persons - that is to say the pilots which were picked up?

A On the tests with the pilots, doctors were in the chamber with the pilots during the tests.

Q Quite. Now, these experiments which Dr. Ruff made on himself were perfectly in order and orderly and these tests on the pilots, they were supposed to be pretty tough?

A Yes, certainly.

Q For instance, it is supposed to have happened that during one of these experiments, the defendant, Dr. Ruff suffered paralysis of one arm?

Q Yes, that is right.

Q So that he himself, if I understand your answer correctly, was not exactly taking it easy?



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A No, he did not.

Q Did you also discuss political circumstances with Dr. Ruff?

I mean to say, if I may supplement my question somewhat, did you talk about political conditions to such an extent or so much that you managed to gather a fair impression of the political attitude of Dr. Ruff? For instance, with regard to the National Socialist Party and particularly the SS?

A I had the impression that Dr. Ruff was a very unpolitical person.

Q Then, how did he express himself in regard to the SS? Doctor, I am putting that question you know because Dr. Ruff told me that in particular about the SS and that he had talked to you on the occasion of that stay in France quite frequently. That is why I want to know from you just how Dr. Ruff did talk about the SS at that time?

A I am sorry, but I seem to have forgotten all about it. I am really sorry I cannot remember it.

Q What did he say about the party? For instance, about Hitler, etc.?

A The only thing that I can say is that I did not consider him a fanatical Nazi, but I cannot remember any specific details.

Q During the four weeks - and this is something I want to ask at the end - during the three or four weeks, which you spent with Dr. Ruff in France, what did you learn about his views about medical ethics? The conception he had of his profession, what impression did you gather about that? Would you say that he would be capable of committing crimes or was your impression different?

A I beg your pardon. I had an absolute correct impression of Dr. Ruff and I never thought anything unfavorable of him.

Q Thank you very much. In that case, Mr. President, I have no further questions. Thank you.

DR. KLECK FOR THE DEFENDANT BECKER FREYSONG.

BY DR. KLECK:

Q Witness, a little earlier the subject of a conversation came up which you had with Dr. Becker Freysong at Sibling?

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A Yes.

Q And on that occasion, Dr. Becker Freyseng had told you that the medical inspectorate had frequently been by-passed; that for instance Field Marshall Milch had negotiated directly with the SS, or the command of the SS, with reference to questions which really concerned aviation matters?

A Yes.

Q Do you recollect that?

A Yes, I do.

Q Then, he complained. Then Dr. Becker also told you something on that occasion about a film showing which went wrong, a film showing which Dr. Becker Freyseng was going to make for Milch, which dealt with the study made at Dachau. Do you remember that occasion? It was to happen in September of 1941 when Rascher in Berlin and the Ministry were supposed to show the film to Field Marshall Milch personally and Milch did not show up. Becker Freyseng had not known anything about this and had not been informed until the film was already in preparation; in fact until the showing was to start? Do you know anything about that?

A Yes, I can't remember, but it seems quite plausible.

Q Then, you can't remember? Well, then I have another question. There was a meeting in Nurnberg when some eighty advisory medical men, consulting medical men of high medical reputation were present, who were holding high positions. Do you remember?



A I can not give any exact information, but that can doubtless be found out.

Q Of course we have the record.

A You can doubtless find out. I am sure there were many people of the medical profession present.

Q Yes, the matter, of course was planned under the heading of Sea and Winter Distress. Then Helts and Professor Holsbochner were on the list, weren't they?

A Yes.

Q What did Professor Holsbochner say regarding the question of cooling of the freezing experiments, because the way it is put in this record, you see, is indicating that he expressed himself very, very carefully?

A Yes.

Q So that one could not draw the conclusion that he was getting out these experiments particularly in the concentration camps?

A That's true. As for Holsbochner's statement one could not gather from there that they were experiments in concentration camps. Holsbochner apparently, in order to disguise the matter, had spoken of rescued persons, persons who were rescued from distress at sea.

Q Do you mean rescued from the water? That's what it says in the record, doesn't it?

A Yes, that's how it was.

Q Yes, Now, from Professor Holsbochner's statement one could not draw the conclusion, therefore, that he was concerned with experiments in Dachau or any other concentration camps?

A No.

Q I see. And you stated previously that Rascher stammered, didn't you?

A Yes.

Q So that his speech wasn't very convincing, was it, because if someone stammers and stutters, then you say that he isn't very



effective surely or that he might even make himself ridiculous?

A. Yes, yes.



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Q Yes, I see. So that you want to say, don't you, that Dr. Rascher's statement could have been regarded more as a matter of wanting to make himself look important?

A That might be, but the subject is a little ticklish.

Q But wasn't it possible to gather the impression that he wanted to show off his connections to Himmler?

A Yes, one always had that impression with him, yes, certainly.

Q Of course you see, I would like to point out to you that Rascher, shortly before this meeting, had written to Himmler and in that letter he expressly pointed out that he wanted permission to deal with this matter as top secret; in other words, that he did not wish to communicate to the assembly what he was really concerned with. Surely one could not intend that any other way; top secret was the word?

A Yes, certainly.

DR. MARK: Yes, I see. In that case I have no further questions to put to this witness.

DR. SERVATIUS: Attorney Servatius for the absent colleague, Dr. Nolte on behalf of Defendant Handloser.

CROSS EXAMINATION

BY DR. SERVATIUS:

Q I only want to put a very brief question. Witness, as I remember, upon a question put by the Prosecutor, whether after this meeting in Nurnberg, you had talked to some officers regarding experiments on animals which were supposed to be transferred to human beings, that you had answered, "Yes, I had spoken to an officer." Now, my question, was that an officer from the Medical Inspectorate or some other officer?

A I cannot say.

DR. SERVATIUS: I have no further questions.

DR. VOGLER: Attorney Vogler for Dr. Rosenberg.

CROSS EXAMINATION

BY DR. VOGLER:

Q Witness, you had mentioned that you knew Defendant Dr. Rosenberg. Do you see him in this courtroom?

A. Yes.

Q. Where is he?

A. (Indicating).

Q. In which row?

A. The fourth from the left in the back row.

Q. Did you consider that those altitude experiments, seen from the point of view of the Air Force, were really essential?

A. I was of the opinion that the experiments gave general insight into certain questions, that they could give insight.

Q. Might I remind you that at that time the type of aircraft at the disposal of the German Air Force went out of date and at that time the Air Force particularly were trying to develop new types, and let me then repeat the question. Is it your conviction that at that time those experiments were essential seen from the Air Force's point of view?

A. I believe that the experiments were important.

Q. But you do not adopt the view that they were absolutely essential?

A. Well, I can't -- that is a question that goes beyond my competence here.

Q. When did you see Haeberig for the first time?

A. As far as I can recall, together with Ruff when we were in France.

Q. When was that, what year?

A. 1941.

Q. How long were you together with Haeberig at that time?

A. A few weeks; about three weeks.

Q. What were you doing at the time during that journey through France?

A. We were conducting tests on fliers, about their resistance to altitudes.

Q. With a pressure chamber too, I take it?

A. Yes.

Q. Who was in charge of these tests?

A. I believe the responsibility was divided into military and medical responsibility. The latter belonged to Ruff.



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Q Did you ever experience it that Rosenberg, during these tests, was proceeding or acting recklessly?

A No, not at all.

Q Did you meet with any experiences with his political attitude? Did you discuss that with him?

A I got to know Rosenberg quite well. I believe the same is true of him as of Ruff. He was in no way, let me say, a pronounced National Socialist.

Q — What I want to know is was he a Nazi at all; not pronounced, was he a Nazi?

A I did not have that impression.

Q You didn't have the impression?

A That he was a National Socialist.

Q Did you have an impression to the contrary about him?

A I believe that I can answer that question with yes.

Q Would you be surprised if you were to read in the press today that Rosenberg was a prominent Nazi?

A Yes, that would not be true.

Q If I understood you correctly then you said that both Professor Woltz, as well as you yourself, shared the view that Rascher was neither, according to character or knowledge, in any position to carry out these altitude experiments on his own. Briefly put, therefore, he was a charlatan in your eyes, wasn't he; is that approximately the truth?

A Yes, that's true.

Q Then did Rosenberg first see Rascher at that time; do you know that?

A I do not know.

Q Then I will tell you. He saw Rascher for the first time in the office of the Research Institute of Woltz shortly after you, as you say —

MR. McHUGH: If the Court please, I think that if the attorney for the Defendant Rosenberg wishes to testify, that he should take the stand.

DR. VORBERG: This last hint which I was giving.

THE PRESIDENT: Objection of counsel for the prosecution is sustained to that question.

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CROSS EXAMINATION (Continued)

BY DR. VORHEIS:

Q If you held the view then that Rascher was a charlatan, would it not have been your duty or Wiltz's duty to draw Rosenberg's attention to that fact before he began his experiments?

A That is hard to say.

Q Did you ever state to Rosenberg at any time that you too had been asked to carry out these experiments, but that you had refused?

A No, I don't know.

Q But you were very well acquainted with Rosenberg, weren't you? Wouldn't it have been the duty of a comrade, since you were both serving in the Air Force, wouldn't it have been the duty of a colleague amongst doctors to discuss that subject?

A Well, it was a subject which neither of us liked to talk about.

Q What you want to say was that in your opinion Rosenberg too wasn't happy taking on this job, if I understand you right; that's what you want to say?

A I am convinced of that.

Q Well, why do you believe that he took it on at all?

A I don't believe I can answer that question, but --

Q It isn't known to you that Rascher was described as an excellent scientist to Rosenberg? Rosenberg made inquiries, you know, and that's what he was told. Did you know about that?

A No.

Q You knew it the first time you saw him then?

A That's quite possible.

Q But at that time it was your and Wiltz's view that Rascher was a charlatan, wasn't it?

A Whether that was our opinion at that time, I can't say. I saw Rascher only once at that time. The opinion that he -- from the first moment on he made a very poor impression on me, but that he was such a complete zero I learned only in the course of time.

Q. Why did you believe that in connection with these experiments people only were to be used who had been sentenced to death previously?

A. It was discussed in that form.

Q. By whom?

A. Well, that was the general opinion.

Q. You say general opinion, so that, if I understand you correctly it was the opinion at the time when you, for the first time, were approached in the matter?

A. Yes.

Q. Do you also know whether Rosenberg was of the same opinion?

A. I am sure.

Q. But then this expression "general opinion" was then extended beyond the circle of the people who were immediately concerned? In other words, was that the opinion of all the medical officers of the German Air Forces?

A. They knew nothing about it, but it was doubtless the opinion of all in informed circles; that is, of anyone who knew anything about it.

Q. Enacher, too?

A. Enacher was doubtless the evil spirit in this matter. I don't know what he thought.

Q. But you are firmly convinced that Rosenberg shared that view, are you?

A. Yes.

Q. Was the view also attached to that opinion at the time, connected with it, that the experimental persons weren't only going to be criminals sentenced to death but that they would also have to volunteer?

A. Yes, I believe so. Of course, I did not, but of course, that really is included.

Q. Well, if I understand you correctly then, you were convinced at the time that the victims of the experiments were only going to be people sentenced to death because they had committed crimes; and secondly

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people who would volunteer in order to change their death sentence to
prison sentence?



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A Yes, that was my opinion.

Q Furthermore, you are convinced that Dr. Rosenberg shared that view, are you ?

A Yes.

DR. VORHEIM : Thank you.

THE PRESIDENT : At this time the Tribunal will recess for 15 minutes.

(.. recess was taken.)



THE MARSHAL: Take your seats, please. The Tribunal is again in session.

THE PRESIDENT: Have you finished with the cross examination of the witness?

BY THE CRIMINAL (Judge Sebring)

Q. Dr. Lutz, the Tribunal understood you to say on direct examination, in substance, that you attended a conference in Burnberg on October 26 and 27, 1942, at which the general subject, "the effect of freezing on warm-blooded subjects", was discussed, is that correct?

A. Yes.

Q. How long were you in attendance at that conference?

A. As far as I remember, from the beginning until the end.

Q. Do you recollect at this time the names of any members of the medical profession who attended that conference?

A. No. There is a list in existence, I think.

Q. Do you intend to say that you attended that conference for two days and do not recollect any of the members of the medical profession who were there?

A. Certainly I should be able to remember, but apart from those that actually spoke, it is very hard for me to name anyone.

Q. Can you say whether or not any persons who are now seated in the defendants' dock were present at that conference?

A. Yes, Meltz was there; otherwise, I cannot see anyone else.

Q. Do you know all of the names of the defendants who are sitting in the defendants' dock?

A. No.

Q. Let me read that to you. Karl Brandt, did he attend that conference?

A. No, I don't know him.

Q. Siegfried Handloser?

A. I don't know him.

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Q. Paul Bostock?

A. I don't know.

Q. Oskar Schroeder.



A. I only know him by his name.

Q. And can you recollect whether or not he attended that meeting?

A. No, I don't think he did. It is not known to me.

Q. Well, Karl Gensken?

A. I don't know him.

Q. Karl Gebhardt?

A. I don't know him either.

Q. Kurt Glone?

A. I don't know him.

Q. Rudolf Brandt?

A. He is unknown to me.

Q. Joachim Krugowski?

A. I don't know him.

Q. Helmut Rappendieck?

A. I don't know him either.

Q. Wolfram Sievers?

A. No.

Q. Do you know Wolfram Sievers?

A. No.

Q. Gerhard Roes?

A. I know him by his name.

Q. Do you recollect whether or not he attended that meeting?

A. No.

Q. Siegfried Ruff, did he attend?

A. I know him, but I cannot say whether he attended that conference.

Q. Did Rosenberg attend?

A. I cannot remember.

Q. Brack?

A. I don't know him.

Q. Hermann Becker-Freyburg?

A. I know him, but I don't know whether he was present or not.



Q. You say Dr. Welts did attend?

A. Yes, certainly, he was there with me.

Q. Konrad Schaefer?

A. I don't know him.

Q. Waldemar Hoven?

A. I don't know him.

Q. Wilhelm Beiglbock?

A. I know Beiglbock, but I don't think he was there.

Q. Adolf Pokorny?

A. I don't know him.

Q. Herta Oberhauser?

A. She is unknown to me.

Q. Fritz Fischer?

A. I don't know him.

Q. Then most of the defendants who now sit in the dock were unknown to you at that time, is that correct?

A. Yes.

MR. MORANEY: If the Tribunal, please -- pardon me.

BY THE PRESIDENT:

Q. I would ask the witness, he referred to the thought that any of these experiments were to be performed upon men classed as criminals. I would ask what he meant by "criminals".

A. Under the word "criminal", I understood that a man who was condemned an ordinary court in the Third Reich, that is, a criminal who was condemned by a court before the Third Reich. What I mean is, it isn't absolutely necessary for a court to have set before the Third Reich came into power, but it is a man who was condemned to death by an ordinary court; a man who actually committed something which, according to general opinion, can be considered a crime.

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Q Do you mean another military court, or a German civil court?

A I was speaking of a civil court.

BY JUDGE SEWING:

Q Would you include within the term "court" the People's Court?

A I know very little about the People's Court.

Q What was that?

A I know very little about the People's Court.

MR. McHANEY: If the Tribunal please, I have a number of questions I would like to put to this witness. However, before I do so, I would like the record to show that the witness properly identified the defendant Rosenberg when he was called upon to point out his position in the defendant's dock.

THE PRESIDENT: Would you repeat that statement, please?

MR. McHANEY: The counsel for the defendant Rosenberg asked this witness to identify him in the defendant's dock. I want the record to show that he did properly identify Rosenberg. Of course, that does not now appear in the record. He just said "He is the fourth man from the left", and that doesn't show any proper identification. He is, in fact, the fourth man from the left, and I would like the record to so show.

JUDGE SEWING: Mr. Secretary-General, let the record show that the defendant Rosenberg is sitting in the prisoner's dock at the place designated by the witness.

NO OBJECTION.

BY MR. McHANEY:

Q Witness, the Tribunal has asked you what you meant by using the word "criminal". Do I understand your answer to mean that you do not include as criminals those inmates in a concentration camp who were put there purely for political reasons?

A Yes, you understood me correctly.

Q Now, witness, you were asked a number of questions by counsel for the defendants about the political beliefs of various of the defendants such as Ruff, Rosenberg, and Becker-Freyburg. Do you remember that?

A Yes.

Q As I recall, they asked you whether they were anti-Nazi; is that correct?

A Yes.

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Q Your answer was that they were not ardent Nazis.

A. Yes, that is correct.

Q. You would not go so far as to say that they were conspirators in the 20th of July plot against Hitler, would you?

4 Not in that sense, but it would be possible that those very same people could have taken part in the plot on the 20th of July.

Q You consider that a possibility. Now, the name of Kettenhof was mentioned in connection with the attaching of Dr. Mascher to Woltz's Institute in Munich.

Do you remember Dr. Kottenhof ?

A Year.

Q Do you remember when Dr. Kottenhof left Munich ?

A I cannot say that exactly, but it was approximately at the time with which we are concerned.

Q Dr. Kotenkov went to Roumania, did he not, before these experiments were carried out--the high altitude experiments?

A Yes; yes, he was transferred.

Q And the defendant Galt was then the commanding officer over Mascher in his Institute, was he not?

A That I don't know; I don't know anything about the relations between
Waltz and Mascher.

Q Well, at least Kottenhof was no longer in the picture, was he?

A. No. Hottenhof was not there at all.

Q And if Rascher was a subordinate of Volz's, Volz could have had him transferred out of his Institute, could he not?

A I am not quite clear about your question.

Q You have stated that you do not know the relationship between Mascher and Belts.

A. Yes.

Q I ask you to assume that Mascher was attached to Boltz's Institute.
If Mascher was attached to Boltz's Institute, then Boltz could have had him transferred to some other place, could he not?

A. If Mascher was subordinate to Holtz then of course, certainly, Holtz had the possibility of having Mascher transferred if the superior office -- which was superior to Holtz--was in agreement with him.

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Q Now, do you remember when the low-pressure chamber was brought from Berlin to Volts's Institute in Munich in the early part of 1942?

A No, I don't remember about any such pressure chamber being brought there.

Q Allright, then isn't it also true that you cannot tell this Tribunal that Volts did not himself make trips to Dachau while those experiments were in progress?

A I said that I could not recollect whether Volts was in Dachau personally or not. However, if he was active extensively there, I must have gained knowledge about it.

Q I didn't put the question to you whether or not he had been there extensively. Rascher was not regarded as an expert in high altitude research, was he?

A No.

Q Therefore, if these high altitude experiments were to be carried out in Dachau, it was necessary that some experts work with Rascher, was it not?

A Yes; it was desirable, at least.

Q And that was the reason that Volts asked you and Wendt to collaborate with Rascher, was it not?

A Certainly, I would have taken over the part of the experts.

Q Now you stated, as I recall, on cross-examination, that it seemed to you perhaps that Volts expected you to turn this job down. Is that correct?

A Yes.

Q And isn't the reason you say that because you knew that Volts considered you to be too soft for this job?

A No; that would mean that Volts desired a specially brutal procedure to be adopted there, and I don't think that was the case.

Q I'm sorry, will you repeat that? I didn't get the answer.

A I did not quite get your question in translation. Could you repeat your question?

Q I was dealing with the incident when you were asked by Volts to collaborate with Rascher in Dachau. He did ask you and Wendt to collaborate with Rascher in Dachau, did he not?

A Yes.

Q. And you refused, did you not?

A. Yes.

Q. And Wendt refused, didn't he?

A. Wendt? Yes.

Q. And haven't you already told this Tribunal that the reason you refused was because you were not ruthless enough?

A. Yes, because I believed that I was not robust enough to carry out experiments on human beings.

Q. I would like the interpreter to translate the word "robust". I would like to ask the witness: What do you mean by the word "robust"?

A. What I mean is this. It is even difficult to experiment upon a dog which looks at you and which seems to have some kind of a soul; it is even difficult to do that with a dog.

Q. That is what I understood you to mean. And Welts knew that was your attitude, didn't he?

A. He knew that Wendt and I rejected this procedure.

Q. And after you rejected it he went to Ruff and Rosenberg, didn't he?

A. I must assume that, I don't know it.

Q. And, as I recall, you told one of the counsel for defense that you, as a member of Welts's Institute, were told about all of the experiments that were carried out under the auspices of Welts's Institute.

A. Yes.

Q. And you did not participate in the conference between Welts and Ruff and Rosenberg in the latter part of 1941, did you?

A. No, I did not take part in it.

Q. Now, several of the defense counsel have asked you questions about pilot examinations carried out in low-pressure experiments. Do you recall that?

A. Yes.

Q. Do you recall that?

A. Yes.

Q. Can you in any sense of the word compare a pilot's examination and a low-pressure experiment in a low-pressure chamber with the experiments carried out in Dachau?

A. Human experiments, as I have to assume were carried out in Dachau, were also carried out by scientists on their own persons.

Q. I am not suggesting to you that certain scientists in Germany, including Ruff and Remberg themselves, did not from time to time get into a low-pressure chamber themselves. I am asking you whether a pilot's examination as carried out in the German Air Force in a low-pressure chamber could in any sense of the word be compared with the altitude experiments carried out at Dachau.

A. No doubt there were certain differences.

Q. And those differences were that they took the men in Dachau to a much higher altitude, isn't it?

A. About the results of the experiments in Dachau I know nothing.

Q. I will ask you if a pilot's examination in a low-pressure chamber is ever carried as high as twenty-one thousand meters.

A. No, not a pilot's examination. I don't think so.

Q. Now, witness, let's go back a minute to the conference held in Nurnberg in October, 1942. I ask you again was it not clear after the statements, after the paper had been read by Holzlochner, that deaths had occurred during the course of his experiments.

A. Excuse me. Do you mean whether it became clear at the conference that during the course of these experiments the death of the experimental subject had occurred?

Q. Yes.

A. In the report of Holzlochner it stated that heart failure, that is, death, was observed in many cases, but before Rascher spoke, it could be assumed that it was in the subsequent death of persons which were rescued from the sea.

Q. But after Rascher spoke, it was clear to you and to the rest of the persons at the meeting that the experiments had not, in fact, been conducted on people rescued from the sea but upon persons furnished by the Reichsfuehrer SS, isn't that true, witness?

A. Yes, it was clear to me.

Q. And wasn't there some consternation at this meeting on the part of some of the scientists present after Holzlochner and Rascher had spoken?

A. Yes.

Q. Did you see Holzlochner at any time after the occasion of this meeting in Nurnberg?

A. Yes.

Q. What impression did you get of Holzlochner on the occasion of that meeting, that is to say, the first one after the one in Nurnberg?

A. That was not a conference. I met Holzlochner in Munich. He approached me and said, "I can well imagine what you think of me now, but I can assure you I was ordered to carry out this order for the only reason in order to avoid unnecessary victims."

Q. He was ordered by the Luftwaffe to carry out these experiments, was he not?

A. Yes, it must be so. I am not sure about that.

Q. Didn't you get the very distinct impression that Holzlochner was very much disturbed about what he had done in Buchen?

A. No. I had the impression that he believed to have acted correctly but that he feared to be misunderstood.

Q. You mean to say that he feared that his reputation was damaged because he had help to carry out the experiments in Dachau?

A. Yes.

Q. Do you know that Kolzschner subsequently committed suicide?

A. I heard it here.

Q. Now you have told this Tribunal that you thought it was generally understood by the scientists who knew about the low-pressure experiments that they were going to be conducted on criminals, is that right?

A. Yes.

Q. Do you know whether or not the experiments were, in fact, performed upon criminals, as you define the word "criminals"?

A. The way it was obviously done I only found out after the end of the war.

Q. Then you cannot say that, in fact, the experiments were carried out on criminals, is that right?

A. No. I, naturally, cannot confirm that because I had no possibility to check it.

Q. And you also cannot say that the experiments were only carried out on volunteers, can you?

A. I cannot say that.

Q. Now, witness, is it or is it not the duty of a true and moral scientist to determine for himself what the conditions of the experiments are which he carries out and whether or not the persons upon whom he is experimenting are volunteers?

A. Under normal circumstances it had to be expected, certainly, but I, naturally, am not acquainted with the milieu which was in the concentration camp of Dachau at the time.

However, I know from my own experience that a camp has a system of its own, and it can affect you, and the barbed wire with which you are surrounded has a tendency to change human beings and has a tendency to change your character, and I think when entering a camp, you are captivated by certain conditions and a certain number of your principles are changed that way.

DR. WALKER: I ask the Tribunal not to admit the testimony because, first of all, the witness is still too young, and he himself is not enough of a scientist in order to be able to answer this question. In the second place, this question may be a leading question.

THE PRESIDENT: The Tribunal permitted the Defendant's counsel a very liberal cross-examination. The Prosecution will be allowed some liberality in its redirect-examination. The objection is overruled.

MR. McHARTY: I think that's all I wish to ask the witness, Your Honor.



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THE PRESIDENT: Is there any further cross examination by defense counsel ?

MR. ELMER LARK (counsel for the Defendant Becker-Reysong): May it please the Tribunal, there is one more question which I would like to address to the witness.

BY MR. ELMER LARK:

Q "Witness, it is a question of your knowledge of the political attitude of Dr. Becker. At one time you were together in Hamburg with Dr. Becker, and that was a short time before your promotion to Stabsarzt (Captain) in the medical service. At that time, had you gained the impression of a political attitude of Dr. Becker ?

A Can you give me any more details ? I cannot remember at the moment.

Q Well, Dr. Becker claims that on the evening in question, you had stayed overnight in one hotel room.

A Yes, that is correct.

Q And on that occasion, you had told him that your wife was half Jewish, is that correct ?

Q Can it not be concluded from this that Becker had your full confidence ?

A Certainly. I had no reason to distrust him.

Q Well, something of this kind can only be entrusted to a man who is politically discreet, and you must have been sure of his political discretion.

A Yes.

Q What was your opinion about the philosophical attitude of Dr. Becker ?

A We had no ardent National-Socialists in our circle, and Becker in no way emphasized this way of thinking.

Q Yes. Under this circle, do you understand the Luftwaffe as so whole, or only the medical officers ?

A Especially the medical officers.

Q Yes.

MR. ELMER LARK: Thank you very much, I have no further question.

MR. STEPHEN VORLBERG:

Q During the experiments at Dachau, did you talk with Dr. Hamborg ?

A Yes, we talked occasionally.

Q Did Hamborg tell you anything about the experimental subjects ?

A. Rosenberg did not like to discuss that subject, and the same applied to I remember, or I had the impression that Rosenberg, even after the experiment had already been carried through, was of the opinion that the experimental subjects were according to the prerequisites which had been discussed in our circle.

Q. You said that you had the impression. Don't you know if that was not so?

A. Yes, certainly, that was the case. I know that Rosenberg was convinced of it.

Q. What I wanted to know is: if Rosenberg stated to you that these experimental subjects were in accordance with the prerequisites which we have just discussed or if they were not in accordance with the prerequisites?

A. Could you please repeat your question?

Q. I want to know if Rosenberg stated to you that these experimental subjects which were used for these experiments were in accordance with the prerequisites which you have just discussed or if they were not in accordance with the prerequisites which you have just discussed?

A. At that time, as far as I remember, we did not discuss this matter in such detail; but I did have the impression, the very certain impression that Rosenberg was of the opinion that some of his experimental subjects at least were actually pardoned.

Q. You had this impression. Are you convinced of that? Are you convinced also that Rosenberg—I mean now during the experiments—also shared this impression?

A. Yes.

THE PRESIDENT: Is there any further cross examination of the witness? If not, the witness will be excused.

MR. HENNING: If the Tribunal, please, we had concluded yesterday's session with the introduction of Document 1609-PS, as Prosecution Exhibit 92, which is on Page 77 of the English Document Book; and the court will recall that was a letter dated 24 October 1942 from Heinrich Himmler to Anschütz, acknowledging receipt of several letters and stating that he had read his report concerning experiments on humans and that Sievers should arrange for the

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of the results of these experiments at institutes which are connected with the SS; and he had further stated that he had regarded these people as traitors who still today reject these experiments on humans and would instead let sturdy German soldiers die as a result of these cooling methods.

We now go on to Document 401 which will be Prosecution Exhibit 93; and this, if the Tribunal, please, is the report on the meeting in Järnberg on the 26 and 27 of October 1942, on medical problems arising from distress at sea and winter hardship. This is the report on the meeting which your Honors have heard discussed at some length this morning. In the bottom of the first page you will see that the meeting was sponsored by the Inspector of Medical Service of the Luftwaffe, and that the chairman of the conference was Stabsarzt Professor Dr. A.J. Anthony; and the Tribunal will recall that Dr. Anthony was chief of the Department for Aviation Medicine in the medical service of the Luftwaffe, and that the defendant Becker-Freysong was his assistant in that department from the latter part of 1942 until early in 1944, when the defendant Becker-Freysong became chief of the Department for Aviation Medicine.

On the next page, that is to say, page 80 of the English Document 30, you will see an index of the contents of the report, and it gives the names of the doctors who lectured at this conference together with the subject which they discussed. You will see that Dr. Anthony gave the opening speech and the chart shows that he was chairman of this meeting. It was a report meeting on Aviation Medical problems. I call the Tribunal's attention to the name of Jarisch under item IV in the Table of Contents; and the Tribunal will recall that he along with Melts and Mascher, as mentioned in the memorandum written by Fini Mascher--that is a mistake, your Honor,-- the name Jarisch was mentioned in a letter which, as I recall, is gone in already, in which Hippke had recommended to Mascher the names of Jarisch and Singer and another gentleman whose name I forget at this moment, who were to collaborate with him in the freezing experiments. That is Document number HQ-283 that went in as Prosecution Exhibit 92. This was a letter from Mascher to the Reichsführer in which he

reported a talk he had had with Hippke and Hippke had asked that the following be engaged in these experiments. Professor Dr. Jarisch was one of them, along with Holzknecht and Singer. Immediately under the name of Jarisch in these Table of Contents is that of the name of the defendant Melts, who read a paper on rewarming after life-threatening freezing. Holzknecht gave his talk on the prevention and treatment of freezing in water, which, of course, was a report on the experiments carried out in Dachau.

So come down to Item 6 and we see the name Schaeffer mentioned as reporting on thirst and the results to combat in case of sea distress.

I cannot find the man Schaeffer identified more particularly in this report, but I suggest to the Tribunal that the Schaeffer now sitting in the Box was certainly concerned with thirst problem and problems of sea distress. The Tribunal will hear proof at a later stage in this trial that it was the defendant Schaeffer who participated in a conference in 1944, where it was agreed that experiments to test the photability of sea water by this method and by a method of other means would be carried out on living human beings in Dachau; and here two years earlier we find a man with the same name reporting on the same subject in another conference which presented a report on experiments carried out on living human beings.

As the witness Lutz testified there was no question among the participating members as to where the experiments had been carried out and as to what had happened to some of the unfortunate victims.

I want to also call the Court's attention to Item 7, to the name of Hildesmann, who gave a talk on practical cold problems in the army. I should think that the defendant Handloser might have been interested in the same subject, since at this time he was the army medical inspectorate, as well as Chief of the Medical Service of the armed forces.

I also point out to the Tribunal the name Branch, No. 6, under Item VII, who gave a talk on winter experience of the air fleet. He was attached to the air force as Professor and Oberstleutnant of Luftflottenarzt 1. It was true he was one of the subordinates of the defendant Schroeder, who at that time was connected with Air Fleet No. 2, but we shall see that we had a very very broad representation of Luftwaffe doctors at this meeting, and it would be strange indeed that none of the

happenings and the reports made at this meeting did not reach the second highest ranking medical officer in the Luftwaffe.

I now ask the Tribunal to turn to the list of participants in the conference. This gives us a list of 95 doctors who attended this meeting. The Tribunal evidenced some interest in whether or not any of the defendants in this dock were there besides Woltz, and you can see from this list that a small group of them were present, namely the defendant Becker-Freyseng, being listed as No. 7. The witness who has just testified, Lutz, is shown as the No. 50. The defendant Rose, the great expert on tropical medicine dropped into this freezing conference himself, being No. 67 on this list. The defendant Ruff, No. 69, the defendant Schaeffer, No. 71, and the defendant Woltz No. 88.

Now, this list is very interesting for other reasons. The Tribunal will recall that the chart does not have the defendant Handloser listed as one of the defendants subordinated to him as the Army Medical Inspector of the Mountain Medical School of the Army at St. Joachim, and I call the Tribunal's attention to the name Balke, Item No. 3 on this list, who was representative from this Mountain Medical School under the jurisdiction of the defendant Handloser.

I also call the Tribunal's attention to the name Croner, Item No. 16, being attached to the same institution under the defendant Handloser, and the Tribunal will hear later on the name of Croner mentioned in a letter from Rascher to Himmler, as wishing to collaborate with him on freezing problems.

Item No. 33, a man by the name of Hil - mann, also out of the Mountain Medical School of the Army at St. Joachim. As to Schroeder we see Huebner's name mentioned, Item No. 35, and the Tribunal will hear the name of Huebner mentioned in connection with sea water experiments in 1944, a consulting physician to the defendant Schroeder.



Item No. 41, Oberarzt Koenig, Laboratory Platoon of O.K.W. with Handloser, the Chief of the Medical Services of the O.K.W., and again very interesting with respect to Handloser is the name Linck, No. 46, I-I-a-o-k, who was attached to the Academy of Military Medicine under the defendant Handloser.

To find the name of Holster, No. 52, another air fleet physician, Air Fleet No. 4, so that these matters were not kept from the air fleet physicians.

The Waffen-SS is represented; Item No. 55, We find the name Marthun, Obersturmbannfuhrer, of the Hygiene Institute of the Waffen-SS, under the defendant Brugowsky and Genskow.

No. 59, Peterson, Hauptsturmfuhrer, of the SS Medical Office Berlin.



fleet or flight surgeon or sea rescue service to do when they fish a man out of the North Sea? Are they to warm them in blankets or warm them in a cradle, or give them whisky or put them in a hot bed or treat them with diathermy of the heart. These are of great interest. They do not issue these regulations which control the matters without complete and proper authority. That is precisely what he says here.

I would think it would be rather difficult for any defendant in this dock to get up and say "I knew nothing about these matters because they were interested in medical aviation problems." They had discussion about it. Service regulations controlling these things were not issued without the knowledge and approval of such men as Chief of the Medical Aviation Department under Egeberg, without knowledge of such people as Schroeder, the second highest ranking medical officer in the Luftwaffe, and air fleet surgeon.

THE PRESIDENT: The Tribunal will now take the noon recess, until 1:30.



CORRECTED COPY
AFTERNOON SESSION

(THE HEARING RECONVENED AT 1330 hours, 12 DECEMBER 1946)

THE MARSHAL: The Tribunal will now be in order.

MR. McHANEY: If the Tribunal please, the prosecution before the noon recess had just introduced Document NO-401 as Prosecution Exhibit 93, which is the report on the Murnberg meeting in October, 1942, on freezing problems.

I read from Page 85 of the English document book on the lower part of the page, which is the opening address given by Anthony:

"During the last years soldiers of all services, especially a considerable number of fliers, could be rescued from sea distress by the Sea Distress Service (Seenotdienst) of the Luftwaffe. A year ago, by order of the Chief of the Medical Service of the Luftwaffe (Inspekteur des Sanitätswesens der Luftwaffe), Generaloberstabsarzt Hippke had a discussion with small circle about medical experiences at the Sea Distress Service. The results of this conference are summed up in a report. The conclusion was, among others, that exact examinations of the phenomena at general freezings are necessary to enable us to diagnose and treat these cases properly.

"During the winter campaign in the east, the freezing problem reappeared in another form.

"In the meantime, systematic examinations concerning these problems have been made at various places. The first day of our meeting shall show us the results of these examinations and thus give us an idea of the state of our knowledge of freezing in general.

"On the second day there will be reports on further medical experiences of the Sea Distress Service and of experiences during the Eastern campaign. It is to be expected that specific scientific problems will be discussed which are of importance for rescues from distress at sea and for important local protection against cold.

"On the following day the participants will also have the opportunity to attend proceedings of the Dermatological Society (Dermatologische Gesellschaft) in Murnberg, dealing with local freezing injuries.

"The problems to be discussed during the session should help to clarify the pertinent problems. The results will enable the competent offices to issue the necessary medical orders and instructions. The measures which have to be taken at once because of the approaching winter have already been fundamentally outlined for nine months and have also been carried out in the army."

I continue to read on the next page, which is that portion of the report devoted to a synopsis of the paper read by Dr. Holalochner, who carried out the freezing experiments in Dachau in cooperation with Dr. Fink, also of the Luftwaffe, and Dr. Rascher.

"Prophylaxis and Treatment of Freezing in Water."

"Observations by the Sea Distress Service have shown that the reduction in body temperature proceeds very rapidly in the case of persons in distress at sea subjected to water temperature below 15 degrees. As unconsciousness or even death can occur already after half an hour, the possibility of using planes and boats is greatly decreased. Moreover, observations of mass catastrophes (the sinking of transports or war ships) revealed that even a rather long time after the rescue danger to life still exists. Thus, sudden deaths were observed twenty minutes to one and one-half hours after the rescue, which until now have remained unexplained.

"Freezing experiments on animals have been conducted hitherto predominantly to observe reflex regulations of a vasomotor and chemical nature. However, experiments with low temperatures of water corresponding to the range of temperature of practical importance in the Sea Distress Service were lacking. Informative investigations were conducted by Dr. Schuster. These showed that small animals could only resist freezing in water of below 10 degrees for a short time. If rats, for instance, the decline of whose rectal temperature was being recorded, swim about in water of 4 to 9 degrees, the possibility of an effective reflex regulation will already be exhausted after two to three minutes. Then the body temperature drops sharply and almost straight down, then to approach more slowly the temperature of the freezing water. Only during the first brief period does the organism behave noticeably differently

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from a physical model. The main body of the curve, especially the steep drop, greatly resembles the course of freezing of a small paraffin-coated bulb of corresponding volume filled with water at body temperature.

"The larger the animals the slower the reduction in temperature, corresponding to the greater amount of water and the relatively small surface. On the other hand, the phase of larger animals, such as cats and dogs, during which the straight "model-like" decline is delayed, is not prolonged correspondingly. Thus, for instance, with a dog weighing thirteen kilograms subjected to the freezing effect of four to five degree water, the straight decline begins already after two and a half minutes. This does not mean, of course, that the reflex regulations end here but that they grow less effective and are outweighed by the strong reduction of temperature.

"Thus, the question of the critical temperature of the freezing water, below which people are endangered particularly rapidly, cannot be finally answered on the basis of experiments on animals. In the case of water temperature under 15 degrees, of interest to the Sea Distress Service, all reflex regulation appears only slightly in the usual test animals. The freezing curves to a great extent resemble those of a physical model which can only be compared with many reservations to human curves because of their different measurements and differing constant temperature. But the critical body temperature, also, of man and test animals are apparently very different. Rats, for instance, can survive a rectal temperature of twenty degrees for several hours.

"The blood count, as well as the changes in the blood

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analysis, were also tested in such severe freezing. These investigations yielded few new results; and they correspond to the results of slow freezing or the results determined from local freezing. Among these changes, the considerable rise in viscosity in dogs and cats is of practical importance. Of interest besides are those changes which point to disorders of the intermediary metabolism. These are diminution of the alkali reserves and the rise of the pH. As the question arose, whether a considerable toxic increase in the potassium level of the



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blood could occur along with the known decline in resistance of erythrocytes in the cold (Jarisch), and which the incipient hemolysis frequently observed, the potassium and calcium levels of the blood were determined. The potassium content had only risen a trifling amount.

As regards rewarming, we had the same experiences as Dr. Woltz. Just as the temperature is reduced more quickly by cold water than by cold air, so an increase in temperature is better attained by warm water than by warm air. We found most successful the effect of so-called ultra-short waves in rewarming. While a rat, with its critical body temperature of nineteen degrees, recovers totally in thermostatically controlled temperature of forty-two degrees in about three-quarters of an hour, it can, subjected to such low frequency alternating currents (Verschiebestroome), appear almost entirely normal in its motor and sensory reactions after two to three minutes. The observation that in a hot sand bath the rewarming occurs as rapidly as in a hot water bath seems to be of practical importance. In the Sea Distress Service, sand and bran baths are more easily transported in planes and boats than are hot water baths.



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"Under the practical points of view mentioned above, it was disappointing, but nevertheless of special importance for the problems of animal experiments, that after removal from the water sudden death, which could be compared to the collapse after rescue in humans, was never observed within a corresponding period of time. Therefore, it is to be assumed that conditions occur in human beings in corresponding circumstances of freezing which the animal experiments does not include.

"It has now been possible to conduct a series of investigations of human beings who were rescued after having been in cold water for a long time. The relevant statements we owe to the cooperation of Stabsarzt Dr. Rascher and Stabsarzt Dr. Finke. They refer to a stay in water of 2 to 12 degrees."

I would like to say parenthetically before I continue to read this report that while nothing has been said up to now to definitely indicate that these experiments were being performed on living human beings -- that is to say, it might have been construed that the examinations were made on people who had in fact been rescued after accidentally being subjected to freezing in water-- now the Witness Lutz has told us that it was made perfectly clear that these were in fact experiments. That is to say that people were subjected to freezing water to determine their reaction. But this is also apparent from the remaining part of the report, and the reason that it is apparent is because that it would have been physically impossible for any scientist to make the detailed clinical report which is contained in here on the basis of isolated rescues conducted at sea. I continue to read from the paper read by Dr. Holzloehner:

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"The rapidity of which numbness occurs is remarkable. It was determined that already 5 to 10 minutes after falling in, an advancing rigor of the skeletal muscles sets in, which renders the movement of the arms especially increasingly difficult. This affects respiration also: inspiration is deepened and expiration is delayed. Besides this, heavy mucus secretions occur. These factors have to be taken into consideration in planning and developing rescue equipment. Thus, for instance, it is certainly extremely difficult even at the beginning of numbness to climb into a rubber raft, to blow up a rubber raft for one person, or to make use of instruments or to signal or call. The rigor is a conditioned reflex and not, as many persons apparently



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think, a contraction of the corresponding muscles due to cold. It ceases spontaneously at death. From this it follows that persons seemingly dead who still evince a definite rigor offer hope of revival.

With a drop of the rectal temperature to 31 degrees, a clouding of consciousness occurs, which passes to a deep cold-induced anethesia if the decline reaches below 30 degrees. With freezing within the range of temperature mentioned, the cold-induced anethesia can appear after 30 minutes to one and a half hours; a sharp increase of spinal fluid pressure and reflexes appear regularly again.

" Very important is the observation that with a rectal temperature of between 29 and 30 degrees arrhythmia perpetua occurs regularly and that it remains for one and a half to two hours after the person is removed from the water. It can pass over to a normal heart activity of its own accord and without therapeutic aid. But, if the rectal temperature has dropped below 29 degrees, sudden death of heart failure can develop from the arrhythmia. Breathing can continue after the cessation of the heart activity, as slow asphyx breathing for up to half an hour.

" Dependence of the rapidity with which the rectal temperature drops on water temperature between 2 to 12 degrees was not determined with any certainty. The known fact that ~~well-fed~~ and strong persons freeze more slowly in water was confirmed. It is certain that the rapidity of the drop of temperature increases when the neck and feet are washed by water.

" It is of particular importance that the drop of temperature can continue for 20 to 40 minutes after removal from water if the rescued person, rubbed dry and wrapped in warm blankets, is left alone. Subsequent decline of rectal temperature of more than 4 degrees may occur. If this subsequent drop in temperature passes below a rectal temperature of 28 degrees sudden death by heart failure can occur.

" In the blood of severely frozen persons the number of red blood corpuscles is increased to 20%. The increase in leukocytes is even greater; 25,000 to 27,000 are to be found per mm³. The multiplication of the erythrocytes corresponds to an increase in hemoglobin of from 10 to 20%. Noticably and important is a great increase in viscosity of up to 7.6.

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This increase appears very early; that is, already with a body temperature of 35 degrees. These increases are greater than those found in animal experiments. With dogs, for instance, an increase of more than 6.2 was never observed under corresponding circumstances. Furthermore, the blood sugar could be determined. Regular increases of blood sugar were observed, which, with low rectal temperatures, can reach 100%.

"True, that irregularity, which indicates a serious damage to the heart, is certainly found in experiments with animals. But, there it seems to appear only at lower temperatures. Consequently the heart of human beings, who were frozen in water, seems to be more exposed to danger than the heart of experimental animals. The damage to the heart is to be traced back to the following circumstances:

"1. The strong increase in viscosity necessitates a more intense functioning of the heart.

"2. The throttling of the peripheric regions of the vessels induces a repletion of the central parts. All records on autopsies concerning death by freezing in water after distress at sea, uniformly show a strong repletion of the right heart. There are even symptoms proving that not only the blood circulation in the skin and in the skeletal muscles is being throttled by storm and rapid freezing, but that, contrary to the Dastre-Morat Law, a reduction of the blood circulation of the kidneys and intestines and even a strong contraction of the spleen take place.

"All this will increase the power of resistance in the entire circulation and increase the rush of blood to the heart.

"3. It is to be expected that, under the influence of

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the low blood temperature; the heart itself becomes highly hypodynamic. Experiments with animals have proved long ago that by overloading and freezing of the isolated heart a fluttering of the ventricles can be produced.

*Besides physical damage to the heart muscles by cold, damage by pathological products of metabolism must of course be taken into consideration. The high increase of blood sugar may, at first sight be brought in connection with increased secretion of adrenalin. The constancy of this increase of blood sugar during the fall of temperature, however, is noteworthy. I can be



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presumed that, with the fall of temperature continuing, the secretion of adrenalin will sometime come to a standstill. At the same time a rapid decrease of the blood sugar ought to take place, if the phenomena of oxidation would take their course without disturbances; apparently this is not the case.

"The conditions of the heart allow an opinion to be formed on the problem of collapse after rescue. This collapse can result either when a drop below a critical value is caused by subsequent decrease of the body temperature as set out above, or else, when the freezing was preceded by supreme physical strain. It must be pointed out in this connection that collapse after rescue particularly appeared at mass catastrophes, in the course of which people had to swim to a certain spot during a long time partly without being equipped with the necessary means of buoyancy, as life jacket, etc. In this case, a heart, the damage to and overloading of which is indicated by the fluttering of the ventricles, may suddenly fail after rescue.

"The aspect of illness in the case of rapid freezing is therefore the negative of a collapse, in the course of which a hemorrhage into the periphery takes place. Up to now such a collapse was dreaded during rewarming and therefore often a slow rewarming has been recommended or prescribed. The sudden death after warming had been traced back to such a hemorrhage into the periphery. Since it has been shown that here too, the direct damage to the heart is the main cause, those theoretical doubts can be done away with. The good results with quick warming obtained in experiments with animals encouraged a corresponding procedure with human beings. Those experiments showed that baths

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With a water temperature of 40° not only accelerate the return to normal temperature and absorb the sudden dangerous falls of temperature after rescue, but may also be of life-saving effect should the heartbeats begin to stop. Danger to persons treated in such a way was never observed.



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" The treatment with electric arcs or hot air is less effective. But this treatment must be preferred to simple and quick drying and subsequent wrapping into warm blankets. Rubbing also has a favorable effect if a superficial warming up of the skin by means of a hot bath or an electric arc has preceded, which has increased the capacity of the epicutaneous vessels.

" The favorable effect of an intensive supply of warmth may be explained, apart from the rapid re-establishment of the body temperature, as the prevention of a subsequent fall of temperature by easing the pressure on the heart. In a way it is a sort of blood-letting into the periphery. Under these circumstances it seems illogical from the very beginning to administer analgetika to persons suffering from rigor which would increase the tension of the vessels in the periphery. Jarisch has even found out that such analgetika given in otherwise admissible doses may have a toxic effect in experiments with animals. This does not show with human beings. Even strophanthin can be tolerated without having on the other hand a demonstrably favorable effect. Therefore, all therapeutic interference which might delay a rapid active supply of warmth is to be rejected.

" Preventive measures against rapid freezing in water prescribe in this case, that persons who fall into the water keep their clothes on. The otherwise insulating air between the clothes gets lost, however, by their being soaked, nevertheless persons freeze more slowly in their clothes because the water drawn by the body adheres for a longer period to the surface of the body (decrease of the convection). Protective suits were developed which so to speak regenerate and retain the escaping air without being air-proof.

" This is padded underwear, the threads of which are chemically prepared, a comparatively steady foam is formed which adheres to the clothing once it is drenched. By the use of such safety-suits freezing might be delayed for 1-1/2 to three hours. The chances for planes and boats in the Sea, Distress Rescue Service are considerably increased by this device."

There follows this extract from the paper, a synopsis on the paper read by Schulzner, a synopsis of the discussion of the paper made by various individuals and attendants at the meeting. I think it would serve no useful purpose for me to read all of these. However, I would like to call the

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Court's attention to the statement made by Rascher:

"Supplementing the statements of Helglochner there is a report on observation according to which cooling in the region of the neck only, even if it lasts for several hours, causes merely a low sinking (up to 1 deg.C) of the body temperature without changing the blood-sugar-level or the heart function. Checking of the rectal temperature was carried out by taking the temperature in the stomach and showed complete agreement. After taking alcohol, body temperature decreases at a quicker pace. After taking dextropan the decrease is slower than with the experiments in both sober and alcoholic condition. Hot infusions (10% dextro solution, physiolog. Table salt solution, tutefusin, physiolog. Table salt solution with pancortox) were successful only for a time."

Now I think it is only clear from reading this report on its face that it was made more than clear at this meeting that experiments had been carried out on living human beings and that this is in a clinical report given on people who had in fact evidently been subjected to freezing water. The report and clinical picture is considerably too detailed for such an explanation to be accepted, which, of course, is a matter of no importance, except in so far as it indicates that the other men in attendance at this meeting were clearly given to understand that experiments on human beings had taken place, proof of which we have already put in, and which shows clearly, of course, that the experiments did take place. The important thing here is that a report on a very plain report was given at a very large meeting, at a conference meeting of doctors from all four arms of the armed forces in Germany.

The only other matter in this report which I wish to call to the Tribunal's attention is on page 97, in which a remark is made by Grosse Brockhoff, and it reads as follows:

"The paper presented by Prof. Helglochner reopens the question - to what extent we are justified to apply to human beings the experiences gained by experiments on animals. However, it is obvious that there is a far reaching similarity, although there are minor quantitative differences, not one fundamental difference was demonstrated. We believe, that also in the case of human beings the diminution of the sensorium of the vital centres in the medulla oblongata

and in the heart are the decisive causes of death. These changes in the sensorium are rendered obvious from the electroencephalograms presented by Mr. Palms."

The only reason I am bringing that up is that it seems to be a statement made by a man who perhaps was objecting at this meeting to what had been done, stating in effect, we have made these very fundamental experiments on living human beings, and it is a question of whether or not they are justified or whether experiments on animals would serve the same purpose, and he points out why there are quantitative differences, but that there are not fundamental quantitative differences, and while, of course, this is a rather mild comment, it is not to be expected in a report of this character distributed by the Luftwaffe. They are putting in verbatim everything which is said and done at this meeting. So much for the report on the Nuremberg meeting.

I proceed now to Document No. 323, which will be Prosecution Exhibit 94. The Tribunal will recall that we have already put into evidence the letter from Himmler to Rascher, telling him that he should carry out the re-warming experiments with animal heat. We have also put in documents which show request of a letter from Rascher stating that Sievers should do everything necessary in obtaining the four women, and that we have two telegrams in the record which sent forward the requests to Glucka that the four women be transferred from Ravensbruck to Dachau, and we now come back to the subject of re-warming by animal warmth, and that is what this memo by Dr. Rascher seems to be. It is dated 5 November, 1942:

"Subject:

"Requested report on concentration camp prostitutes.

"For the resuscitation experiments by animal warmth after freezing as ordered by the Reichsfuehrer SS I had four women assigned to me from the Women's concentration camp Ravensbruck.

"One of the assigned women shows unobjectionably Nordic racial char-

acteristics: blond hair, blue eyes, corresponding head and body structure, 21 3/4 years of age. I questioned the girl, why she had volunteered for the brothel. I received the answer: "To get out of the concentration camp. For we were promised that all those who would volunteer for the brothel for half a year would then be released from the concentration camp." To my objection that it was a great shame to volunteer as a prostitute I was told: "Rather half



a year in the brothel then half a year in the concentration camp'. Then followed an account of a number of most peculiar conditions at camp R. Most of reported conditions were confirmed by the three prostitutes and by the female warden who had accompanied them from Ravensbrueck.

"It hurts my racial feelings to expose a girl as a prostitute, to racially inferior concentration camp elements, who has the appearance of a pure Nordic and who could perhaps by assignments of proper work be put on the right road.

"Therefore, I refused to use this girl for my experimental purposes and gave the adequate reports to the camp commander and the adjutant of the Reichsfuehrer SS.

(Signed) Dr. S. Rescher".

This, if your Honors please, is the atmosphere in which the so-called scientific experiments were carried out.

The next document is No. 288, which is Prosecution Exhibit 95. This is a signed note of the defendant, Sievers, and carries the letter head of the Ahnenerbe, to the Reich Business Manager:

"Note.

"Subject: Transfer of the Staff physician, Dr. Rescher, to the Waffen - SS.

"The various experiments conducted by Dr. Rescher in Dachau in connection with the 'Ahnenerbe' show that:

- 1) the fact that he has to be detailed from the Luftwaffe in each instance
- 2) the fact that, in addition, the assistance of the Luftwaffe has to be requested.

cause increasing difficulties. It can really be called a regular tug-of-war, through which, it is true, we have so far always succeeded in carrying out the experiments ordered by the Reichsfuehrer SS. Recent developments show, however, that this situation is unbearable, and it appears more and more that the competent offices of the Luftwaffe do not like the experiments, the importance of which is at once obvious, to

be carried out by the S.S. This attitude appears clearly in the letter of 10/10/42 from the Chief of the Medical Service of the Luftwaffe, Prof. Dr. Hippke, to the Reichsfuehrer S.S. Further evidence: during the conference, 'Harships of the Sea and Winter,' of 26 and 27 October 1942 in Nurnberg the report was delivered mainly by the Stabsarzt of the Luftwaffe, Prof. Dr. Holzlochner, who was absolutely opposed to human experiments, but who



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tried to claim for himself the credit for the SS experiments in Dachau.

"The chief of the German Experimental Institute for Aviation Research Captain Dr. Luff, delivered the report on the high altitude experiments before the German Academy for Aviation Research, on 6 November, 1942, 'because persons who were not members of the Academy could not report' and 'in order to make up for the poor report given at General Field Marshal Milch's.' As has already been demonstrated, new questions continuously arise from the experiments carried out so far by Dr. Rascher, the solution of which is in the interests first of the conduct of the war, and then of the nation's health in general. In order to carry out experiments free from all hindering influences, it would be best to transfer Stabsarzt Dr. Rascher to the Weissenhof, to put him in the Staff Department of the Weissenhof with the personal staff of the Reichsfuehrer-SS, and to assign him to the Institute for Military Scientific Research of the Weissenhof, for the continuation of his experiments".



It is of course to be seen from this memorandum which was directed to the Personal Staff of the Reichsfuehrer SS, that the defendant Siewers hardly had the welfare of his nation and the conduct of the war at heart.

The next exhibit will be 96, which is document NO-319. This is a memorandum by Dr. Rascher to the Personal Staff of the Reichsfuehrer SS, on which the defendant Rudolf Brandt was active. It is dated 6 November 1942.

*Memorandum. Concerning: Cooperation of SS physicians of the Mountain Troops.

*At the session 'Distress at Sea and Winter Cold', all four branches of the Wehrmacht were represented. For the Army there was, among others, Oberstabsarzt Dr. Graemer, Chief of the Research Station at the Medical Corps Training School of the Mountain Troops, St. Johann. Dr. Graemer requested me to ask you, dear Reichsfuehrer, if it were not possible for the medical units of the SS Mountain Troops respectively, the responsible physicians of these units, to cooperate officially with the Research Station at the Medical Corps Training School of the Mountain Troops. Up to now only here and there SS physicians had come to St. Johann unofficially to profit by the experiences of the physicians of the Mountain Infantry which had been gained during many years. Since there was excellent cooperation of both units at the front, it would be desirable if the SS physicians could utilize the experiences of the physicians of the Mountain Troops which had been gained during many years. Since there was excellent cooperation of both units at the front, it would be desirable if the SS physicians could utilize the experiences of the physicians of the Mountain Troops which had been gained during many years.

*Dr. Graemer was so enthusiastic about the results I reported that he asked me for permission to see the actual experiments. Apart from scientific cooperation he requested -- and which has to be set out in particular -- he asked me to obtain a decision regarding the

cooperation as outlined above.

Signed, "Dr. Rascher", with a stenographic notation, "by"



order to Grewitz."

Now this is a very interesting document. We have heard the witness Lutz testify this morning that he had had an army officer talk to him after this meeting in Nurnberg and that this army officer told him that he had been to Dachau and Rascher had been good enough to demonstrate to him there how people could be killed by freezing water. I suggest that it is not without the realm of possibility that it was Dr. Graemer with whom he had this discussion, Dr. Graemer who was chief of the Corps Training School of the Mountain Troops at St. Johann, which school was under the direction of and subordinated to the defendant Handloser as Army Medical Inspectorate, and which he so graphically has drawn for us on the chart submitted in evidence before this Tribunal.

We come now to document No. 1878-P9, which will be Prosecution Exhibit 27. Here again is a follow-up memorandum dated the same day as the one which I have just read, and it deals with the same subject, which is: "Joint research work of Dr. Rascher and Medical Research Station for Mountain Medical Troops." It is directed to the Personal Staff of the Reichsfuehrer SS:

"Oberstabsarzt Dr. Graemer asked whether there were a possibility of collaborating with me.

"The most urgent problem to be solved is the adaptability of the troops to winter cold and the diet best suited for it. Since the solution of this problem is also of great importance to the SS troops. I have reached the following conclusion after careful consideration:

"Since there are concentration camp inmates in the region of the SS mountain house near Bayrischzell, it should

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be possible to carry out the adaptability tests in that region, which can be isolated to a certain degree. The most realistic adaptation would have to be carried out in igloos in ordinary troop



clothing.

"To be tried are: (a) diet rich in fat; (b) vitamin-rich, meatless diet; (c) meat-fat diet of the inhabitants of the Arctic regions.

"After the adaptability tests it would be important to investigate whether injuries to the extremities due to freezing have a better prognosis in persons accustomed to cold than in persons unaccustomed to cold.

"The reasons for this idea of adaptability are:

"1. That by tests in Dachau I could prove that individuals accustomed to cold live from three to four times longer under the same conditions of intense cooling as persons unaccustomed to cold.

"2. That mountain troops who have been in the central sector from the beginning have been fighting at minus forty degrees Centigrade in ordinary clothing without suffering from frost injuries, whereas as many as 50 percent of the unhabituated reserve troops drawn from Western France succumbed to the cold while on their way to the front.

"The proposals for carrying out the above mentioned series of tests seem therefore justified.

"I request that this matter be looked into and that I receive proper instructions."

Signed, "Dr. Rascher."

Of course, the two reasons that he gives for finding a better prognosis in persons accustomed to cold very clearly indicate that Dr. Rascher proceeded to kill individuals, some of whom had been accustomed to cold and some of whom had not, because only in that way could he make the statement that he had proved that individuals accustomed to cold live from three to four times longer under the same conditions of intense cold as persons unaccustomed to cold.

The next will be Document NO-314, which is Prosecution

Exhibit 98, and at this point the defendant Gebhardt enters the picture. This is a letter from the defendant Rudolf Brandt to "Dear Brigadefuehrer Gebhardt" at Hohenlychen. It is dated 11 November 1942:

"The Stabsarzt of the Reserve of the Luftwaffe, Dr. Rascher, who is at the same time Hauptsturmfuehrer of the Allgemeine SS, will probably soon be transferred to the Waffen SS. He has already conducted important experiments in Dachau, with the assistance of the Reichsfuehrer SS, which concern the freezing of people who have remained in water a long time. Besides these, high altitude experiments were conducted.

"According to instructions from the Reichsfuehrer SS, SS Hauptsturmfuehrer Dr. Rascher -- as soon as his transfer to the Waffen SS has been effected -- will contact you in order to be informed of the date on which he can report to you.

"In the near future, experiments will be conducted with regard to freezing.

"The Reichsfuehrer SS asks that on your visit to Finland you ask some appropriate Firm what the Finns would do to combat freezing."

Initialed, Rudolf Brandt.

I will recall to the Tribunal that on the two SS charts-- that is to say, the charts showing the organization of the medical service of the SS-- the chart showing the organization prior to 31 August 1943 did not contain the name of the defendant Gebhardt, but I assured the Tribunal at that time that that should not be construed as meaning that Gebhardt was not an important figure in the medical service of the SS prior to the reorganization date in August 1943. As this letter clearly points up, Gebhardt was extremely close to the Reichsfuehrer SS and was turned to for advice on medical matters,

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and is here told that Rascher, as soon as his transfer out of the Luftwaffe is effected, will report to Goebbels.

I came now to Document NO-431, which will be Prosecution Exhibit 99. This letter is dated 12 November 1942; it is addressed to Oberstabsarzt Dr. Cramer of the Research Branch of the Mountain Medical Troops at St. Johann. The letter is not signed; it obviously is a file copy. There is no doubt that the letter was from Siegmund Rascher, because of the date given, and "Munich, 56 Trogerstrasse." If the Court will refer to any one of the many letters which came from Rascher during this period of time, you will see that that is the address from which they originated.

"Dear Oberstabsarzt:

"Yesterday I reported to the Reichsfuehrer SS and, as agreed upon, I suggested cooperation of doctors of SS mountain troops with mountain doctors of the army units. The Reichsfuehrer SS agreed to his cooperation and has already issued instructions to the Reichsarzt SS, Gruppenfuehrer Professor Dr. Grawitz.

"I have also reported to the Reichsfuehrer SS about the experiments concerning adjustment to cold in Igloos. The Reichsfuehrer SS fully agreed to this series of tests too, and has charged me with their conduct. The Reichsfuehrer SS approved of the tests with various feedstuffs; I have been charged with the conduct and organization of these experiments. A suitable locality, 1100 meters above sea level in the mountains, is also available.

"In case you are interested, may I ask you to contact no.

"Egil Hitler."

The next is Document NO-237, which will be Prosecution Exhibit 100. This is a letter from the defendant Rudolf Brandt to SS-Übergruppenführer Pohl, who as Your Honor will remember, was the administrative chief of the concentration camps. It is dated 20 November 1942.

"The Reichsführer-SS requests that SS-Hauptsturmführer Dr. Rascher whose transfer from the Luftwaffe to the SS is worked on right now, is to be assisted as much as possible in his experimentation at Dachau.

"Rascher suggested to the Reichsführer-SS to adjust the heating pads in both pockets of the great coats, tuck one pad between the trouser band and the waist-bandage, and during severe cold, to put one pad in each hollow of the knee of soldiers detailed for guard duties to keep the great blood-vessels warm, and then above all, to put socks filled with heating material between the sole of the leather boots and the sole of the felt boot to prevent the foot from freezing when getting wet.

"Will you please give orders that the clothing plant in Dachau assist SS-Hauptsturmführer Dr. Rascher by producing the necessary experimental clothing."

With a copy sent to Dr. Rascher.

We come now to Document NO-236 to be Prosecution Exhibit 101. This is a letter dated 12 January 1943 from Officers of the Lehrkörper Society to Fliegerführer and General of the Luftwaffe Staff, concerning "Transfer of SS-Hauptsturmführer Stabsarzt Dr. Rascher to the Luftwaffe SS."

Reference is "Your letter 19 October 1943" -- but which probably should read 1942.

"SS-Hauptsturmführer Stabsarzt Dr. Rascher reported today that according to a confidential communication of 11 January 1943, he had been released from his duties in the Anti-Aircraft Artillery School Schongau and had been placed at the disposal of the Luftwaffe Medical Department VII in Munich. Dr. Rascher was to be prepared to be sent at any moment to serve at a small air base. In view of the well known attitude of the superior authorities towards Dr. Rascher's experiments, this measure has certainly a definite background. In case that

the transfer of Dr. Rascher to the Waffen-SS, as requested by General Field Marshal Milch in his letter of the beginning of November 1942, is not possible in the near future, it would be highly desirable that Dr. Rascher should be granted a leave by the Luftwaffe until the above mentioned transfer is completed. Before that he will not be able to start with his research work in accordance with orders by the Reichsfuehrer-SS of December 12, 1942.

"Since freezing experiments depend on the season, precious time will be lost if Dr. Rascher is not available. It is therefore again requested that the chief of the Luftwaffe Medical Service, Generaloberstabsarzt Professor Dr. Hippo, be asked to grant a leave of absence to Stabsarzt Dr. Rascher, independent of his application for transfer."

Signed: "Siewers."

Here we see the defendant Siewers getting very much concerned about a possible transfer of Dr. Rascher away from the vicinity of Dachau Concentration Camp, which of course, would not make possible the dry freezing experiments, which we shall see were carried out; and that is the reference to -- that the freezing experiments depend on the season, because it seems quite clear that the wet freezing experiments could be carried out at almost any season of the year since the water temperature was obtained by the addition of ice.

We come now to Document NO-237, to be Prosecution Exhibit 102. And this is a memorandum from Reckensteiner, who was on the staff of -- who apparently was an assistant to Wolff, and he is writing this memorandum to the attention of Richter in the Reich Air Ministry. It refers to the letter from SS-Obergruppenfuehrer Wolff of 21 November 1942 to Milch, which Your Honors will recall, was a letter requesting the transfer of Rascher to the Waffen-SS.

"My dear Ministerial Councillor:

"Referring to our telephone conversation, I venture to remind you of the letter addressed to General Field Marshal Milch by Obergruppenfuehrer Wolff upon request of the Reichsfuehrer-SS. It referred to the Dr. Rascher affair.

"Moreover SS-Obergruppenfuehrer Wolff has learned recently that Dr. Rascher was made available for a new assignment.

"The Obergruppenfuhrer would be very much obliged to you if you would ask General Field Marshal Milch for his early decision in this matter."

Signed: "Heckentoller."

Next is Document NO-326 which is Prosecution Exhibit 103, and this gives an insight into the jealousies among the SS men who were implicated in this affair. It's a letter from the defendant Sievers to the defendant Rudolf Brandt dated 26 January 1943.

"Dear comrade Brandt:

"I submit to you enclosed a documentary note of Dr. Rascher on his discussion with the Reich Physician SS on 13 January 1943. I would be much obliged to you if you could advise us as to what attitude we or Dr. Rascher are to take in the future. I am slightly astonished about the cause of the discussion, for the orders of the Reichsfuhrer-SS were especially to the effect that we-- that is the 'Ahnenerbe' -- were to take Dr. Rascher's work under our care. The argument of SS-Gruppenfuhrer Grawitz that it constituted an unbearable situation to have a non-physician give information on medical matters is not pertinent. I have never claimed to be a judge of medical matters, nor do I consider it as one of my duties. My duty merely consists in smoothing the way for the research men and seeing that the tasks ordered by the Reichsfuhrer-SS are carried out in the quickest possible way. On one thing I certainly can form an opinion; that is, on who is doing the quickest job.

"If things are to go on in the future as SS-Gruppenfuhrer Grawitz desires, I am afraid that Dr. Rascher's work will not continue to advance as fast and unhindered as heretofore.

"With comradely greetings and Heil Hitler, Yours, Sievers."

Now of course the Tribunal will not be astonished when the defendant Sievers takes the stand and tells us that he had nothing to do with those things; that the Ahnenerbe was simply an adjunct of the Reich Post Office; that post mail was channelled through his office and he passed it along to the proper authorities; that that is the only reason that his name appears in this whole affair.

The report referred to in the letter is attached and is part of the same exhibit 103, and it gives us a running account of the discussion between Dr. Grawitz; and who should be there but our defendant Dr. Poppendick, and Dr. Rascher. This is on the 13th of January 1943.

"Rascher: Reports on freezing experiments with water and emphasizes that they have been concluded practically, but not in theory.

"Grawitz: Question about the memorandum: Whether Rascher believes this to be absolutely founded for dry freezings, too?

"Rascher: No, a lot of theoretical work is still to be done, primarily many practical experiments have still to be conducted.

"Grawitz: That is my opinion. We cannot distribute a memorandum to the troops, abolishing all former views, if this is not entirely well founded, as otherwise uncertainties will arise among the troops. I shall write to Obersternbannfuhrer Dr. Brendt that I am asking the Reichsfuhrer-SS not to distribute the memorandum, before a well founded method of treatment of dry frozen persons has been established."

We have got that memorandum coming in somewhere, as I recall, and the Court will appreciate then precisely what they are talking about. Rascher had conducted some experiments on the effects of dry cold and the proper method of rewarming people who had been subjected to dry cold as compared to wet cold; and Grawitz is here questioning the recommendations that Rascher made in this memorandum and is insisting that perhaps he hasn't conducted enough experiments with dry cold to justify his conclusion that the same hot bath method is the proper way for rewarming.

Rescher continues:

"Very well, that is the way the Reichsfuehrer gave me the order of 13 December 1942. But I urgently want to emphasize that the results of the freezing experiments with water have been established and are well founded.

"Grewitz: Well now, this had to be mentioned in the letter to Brandt so that you are not blamed in any way. You see, from my former activities (mention of some hospital) I know so much about metabolism that I am almost a specialist in this field and can help you enormously.



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"Rascher: As I understood, Gruppenfuehrer, that's why I am to turn to your office for glass materials, chemicals, and so forth.

"Grawit: No, Not only for that. You have to turn to me in all medical matters, since after all, I am Reich Physician SS and all medical affairs are subordinate to me. It is absolutely necessary that all medical matters destined for the Reichsfuehrer go through my office.

"Rascher: I don't know, Gruppenfuehrer, if this was the intention. I am under the direct order of the Reichsfuehrer-SS and I have always reported directly to him. I have never received orders to another effect.

"Grawit: You certainly will be transferred to the Waffen SS?



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" Rascher : Yes, I hope so. The transfer is under way.

Grawitz : There you are. Then you will be under my orders as a physician at any rate and all matters will have to go through my office, otherwise the situation would be unbearable.

Rascher : But I am under the orders of the " Ahnenorbe ". Am I to report to you, too, what I have to report to the " Ahnenorbe "?

Grawitz : Certainly. At least a copy on all medical matters has to be sent to me for my information. For it is an unbearable situation to have a non-physician, such as Stenfortenfuhrer Sievers, inform me on medical matters if he does not have the adequate special medical education. I have nothing against Sievers.— Well, yes, I know you are of the " Ahnenorbe ". I don't say anything against your work for the " Ahnenorbe ", but I want you to work with the " Ahnenorbe " for the Reich Physician. I shall also write to Brantl on this matter."

Finally Poppendick gets a word in.

" Poppendick : Well, I already had to ask Stenfortenfuhrer Sievers several times to come to me to receive information. In the long run all medical matters wind up with us anyway.

Grawitz : You see, this is the point. When the Reichsfuhrer-S⁵ does not understand a medical matter clearly he hands the matter over to me anyway.

Rascher : Of course, I am grateful for every kind of help, but I believe that I am primarily under the orders of the " Ahnenorbe ".

Grawitz : Certainly not when you are a member of the Waffen-SS. I am able to make you profit very much by my knowledge and I shall inform Brantl to that effect. It isn't that I bear a grudge against you or your work, but all things have to follow their way. Don't be afraid, scientific thefts don't occur with us. As I know, you have to acquire the right of giving lectures at universities as a qualified academic teacher under Pfaffenwachtel. And you will need support. Do you want to be supported by me ?

Rascher : Of course, I thank you most obediently. Where I need support, I gladly accept it.

Grawitz : Well, we shall wait then with the memorandum until you have a few hundred cases, then we shall continue. Of course, I would not like

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the Reichsfuehrer-SS to believe that I want to impede you. But if something has not yet been proved to a great extent, we can not distribute anything to the troops that might spread uncertainty among the responsible authorities. Everything may be true for freezing bay water, but we don't have those in the Waffen-SS. So you agree to wait with the distribution of the memorandum. Rascher : Gruppenfuehrer, it is anyway entirely your affair, whether the memorandum is issued now, as you are responsible for it. I composed the memorandum on the basis of those few cases of dry freezing, because the Reichsfuehrer SS pressed for it's publication. In composing the memorandum, I was fully aware of the necessity that many experiments still had to be carried out, and I also submitted this view on the occasion of a discussion with the Reichsfuehrer SS in Dachau. But the Reichsfuehrer saw the results in Dachau and just wanting to help the troops ordered the memorandum to be drawn up.

Grawitz : in composing a memorandum or in any other scientific work you should not let anybody press you, not even the Reichsfuehrer, that never will do ! Well now, you'll send me a copy of all your medical correspondence with the "Anstalten", you'll no longer write directly to the Reichsfuehrer in medical matters but write to me, as it comes to me anyway, will you do that ?

Rascher : I'll have to discuss the matter with Standartenfuehrer Sielvers first, this comes too much as a surprise.

Grawitz : Well, I shall send you a copy of my letter to Dr. Brandt so that you can get a clear picture. I have been very pleased, to have established such a close contact with you."

I would like to say, with respect to the Defendant Poggendorf, that if this letter does nothing else it clearly points out the fact that he was in reality subordinate to Dr. Grawitz (Reich Physician SS) in medical matters. I have no doubt that he will urge upon the Tribunal that at this time, which is prior to the reorganization of 31 August 1943, that he was subordinate to Dr. Grawitz, Reich Physician SS in medical matters. I have no doubt that he will urge upon the Tribunal that at this time, which is prior to the reorganization on 31 August 1943, that he was subordinated to Chief of Office

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for Race and Settlement in S^o. Of course, it is a fact that he was subordinated to that office for certain matters. That was the SS Office to which he was officially attached. However, shown upon the chart drawn by us the Chief Dr. Grossitz, as Reich Physician SS, had authority over Poppendick in medical matters. And this memorandum places him at a meeting with Grossitz and Rascher in January 1943 and they fully explored the past experiences on freezing experiments at Dachau and Grossitz insisted at great length that further experiments had to be carried out.

We come now to Doc. NO-238 which is Prosecution Exhibit 104. This takes us back to the pulling match between the Luftwaffe and the SS over the valuable services of Dr. Rascher. This memorandum is from Sievers and it gives notes on the correspondence from the SS to the Luftwaffe, about conversation with Rascher in Munich 28 January 1943, and conversation with Rudolf Brandt on 29 January 1943, and it reads as follows :

"The Chief of the Luftwaffe Medical Service Generaloberstabsarzt Professor Dr. Nippke asked the SS-Hauptsturmführer Dr. Rascher through his superior, Oberfeldarzt Dr. Daniel for an immediate report about what had been he working on since he had been made available for new assignment (Z.D.). The Oberfeldarzt Dr. Daniel permitted SS-Hauptsturmführer Dr. Rascher to continue his experiments in Dachau. I suggested that SS-Hauptsturmführer Dr. Rascher give a report approximately like this :

"I am continuing the experiments which were assigned to me by the Reichsführer SS. I considered my 'Z.D' position as the first step to the transfer to the Waffen-SS which was discussed by the Reichsführer-SS and General Field Marshal Milch."

As I learned (Dr. Rascher knows nothing about this) Generaloberstabsarzt Prof. Nippke said over the telephone (so that he probably could not be pinned down) when requesting the report : " Rascher's experiments ought to be stopped now. It is impossible to go on like that. Now we will remove him very quickly to the East ". As SS-Hauptsturmführer Dr. Rascher cannot continue his experiments at Dachau for the time being for well known reasons it was agreed that he should go on 7 February 1943 to SS-Sturmführer Prof. Dr. Hagenstiel in Hamburg. Due to the interference of Generaloberstabsarzt

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Prof. Dr. Hippke the process of admittance has become doubtful.

(Signed) Sievers"

One copy went to the record. The second copy went to SS-Obersturmbahn fuhrer Dr. Rudolf Brandt.

"With the request that measures be taken on the basis of the situation described in my letter of 12 January 1943."

Now the Tribunal heard the cross examination of the witness Lutz this morning in which certain of the defense counsels tried to draw out that Rosenberg and Ruff knew - everyone else connected with this clearly understood - they were volunteers, that the Nazis were giving them a big break, they were condemned to death, given life if they survived the experiment. They take the position that that should happen. If that line has any truth at all, why is Dr. Hippke, as stated in this memorandum, upset by certain of Rascher's experiments, if these people were condemned to death, if treated in a good and kind way, why is the reason to be ashamed about them. The reason is perfectly obvious. The high officials of the Luftwaffe realized very well what had gone on. There is no doubt there were there along the way twinges of consciousness expressed in the document which they wrote at that time but never were they so conscious stricken that they stopped the experiments they conducted from the time Rascher started early in 1942, through the freezing experiments, which require passage through low pressure chamber, or through the sea water experiments at Dachau.

Recess was taken.

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THE MARSHAL : The Tribunal is again in session.

MR. McHenry: May it please the Tribunal, the next document will be Document 1616-PS. This will be Prosecution Exhibit 105.

I wish to point out to the Tribunal in this connection that 1616 PS as it appears in your document book on page 120 is noted as being continued. That is a report on the ~~re-warming~~ by animal warmth. Eliminated from the English document book by mistake was a covering letter, to which the re-warming report was attached. Both the covering letter and the attached report are Document 1616-PS, and both are offered as Prosecution Exhibit 105. The German document books, which went to the German Counsel, did contain both the letter and the report, and the omission of this English translation was simply a mistake when the document book was assembled.

We got some indication that experiments with dry cold, as distinguished from experiments with wet or water cold, were carried out in Dachau from one of the previous exhibits which gave us a transcript of the discussion between Rascher, Grawitz and Poggendorf. This letter describes in a little more detail precisely what they did in these dry cold experiments. This is a letter dated 17 February 1943 from Rascher to his "Dear Reichsfuehrer" :

" Enclosed I present to you in condensed form a summary of the result of the experiments made in applying animal warmth to people who have been intentionally chilled. Right now I am attempting to prove through experiments on human beings that it is possible to warm up people chilled by exposure to dry cold, just as fast as people who were chilled by means of continued immersion in cold water. The Reichs Physician SS Gruppenfuehrer Dr. Grawitz doubted very much whether that would be possible and said that I would have to prove it first by one hundred experiments. Up to the present, I have carried out intense chilling experiments on thirty human beings by leaving them outdoors naked from 0900 to 1400 hours, thereby reducing their body temperature to 27 degrees Centigrade to 29 degrees Centigrade. After an interval which was supposed to correspond to the period of transportation lasting one hour, I have placed these experiments up to the present, all subjects, for the fact that hands and feet were partly frozen white, were successfully re-warmed within another hour

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Only some subjects showed slight lassitude, with slight rise of temperature, on the day following the experiment. No fatalities occurred as a result of this extraordinarily rapid method of re-warming.

" Unfortunately I could not yet carry out the re-warming by means of Sauna, as was ordered by you, my dear Reichsfuehrer. The weather during December and January was too warm for such experiments outdoors, and at present the camp is quarantined on account of typhus, so that I was not permitted to bring the experimental subjects into the SS Sauna. I have had myself inoculated several times, and I am continuing these experiments in spite of the presence of typhus in the camp.

" The best thing would be if I and Hoff, as soon as I am transferred to the Waffen SS, could go to Auschwitz where I could clear up the question of re-warming people frozen on 'ry land in a large serial experiment. Auschwitz is, in every way, more suitable for such a large serial experiment than Dachau because it is colder there and the greater extent of open country within the camp would make the experiments less conspicuous. The experimental subjects will when they freeze severely.

" If it is your intention, Highly Honored Reichsfuehrer, to carry out with the utmost speed these experiments which are so important for the army fighting on land in Auschwitz or Lublin or another concentration camp in the East, I beg you, obediently to give me the necessary orders so that the remaining winter cold can still be utilized.

" With most obedient greetings and sincere gratitude, and Heil Hitler, your very devoted Mascher."

Did your Honors receive a copy of this ?

THE PRESIDENT: No.

MR. MC HANEY: If Mr. Travis will pass them up to you —

This letter should be inserted in the document book just in front of page 120.

THE PRESIDENT: This letter will be page 119-A.

MR. MC HANEY: The reference in this document to "Sauna" refers to a bath. The SS-Sauna must be to a bath house in Dachau.

The report which was attached to this letter and which is part of this Prosecution Exhibit 145 is most interesting. We have already put in the documents

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in which the four women were requested for the purpose of re-warming by animal warmth, and we now get this report on that subject. It is entitled : "Experiments for re-warming of intensely chilled human beings by animal warmth.

"A. The purpose of the experiment : To ascertain whether the re-warming of intensely chilled human beings by animal warmth, for example, the warmth of animals or human beings, is as good or better than re-warming by physical or medical means.

"B. Method of the experiments : The experimental subject were cooled in the usual way, clad or unclad, in cold water of temperatures varying between 50 degrees Centigrade and nine degrees Centigrade. The rectal temperature of every experimental subject was recorded thermo-electrically. The reduction of temperature occurred within the usual span of time, varying in accordance with the general condition of the body of the experimental subject and the temperature of the water. The experimental subjects were removed from the water when their rectal temperature reached 30 degrees Centigrade. At this time the experimental subjects had all lost consciousness. In eight cases the experimental subjects were then placed between two naked women in a specious bed. The women were supposed to nestle as closely as possible to the chilled person. Then all three persons were covered with blankets. The speeding up of re-warming by light cradles or by medicine was not attempted.



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"C. Results:

1. When the temperature of the experimental subjects was recorded it was striking that an after-drop of temperature up to 3°C occurred, which is a greater after-drop than that seen with any other method of rewarming. It was observed, however, that consciousness returned at an earlier point, that is a lower body temperature than with other methods of rewarming. Once the subjects regained consciousness they did not lose it again, but very quickly grasped the situation and struggled up to the naked female bodies. The rise of body temperature then occurred at about the same speed as in experimental subjects who had been warmed by packing in blankets. Exceptions were four experimental subjects who, at body temperatures between 30°C and 32°C , performed the act of sexual intercourse. In these experimental subjects the temperature rose very rapidly after sexual intercourse, which could be compared with the speedy rise in temperature in a hot bath.

"2. Another set of experiments concerned the rewarming of intensely chilled persons by one woman. In all these cases rewarming was significantly quicker than could be accomplished by two women. The cause of this seems to me that in warming by one woman only, personal inhibitions are removed, and the woman nestles up to the chilled individual much more intimately. Also in these cases, the return of complete consciousness was strikingly rapid. Only one experimental subject did not return to consciousness and the warming effect was only slight. This person died with symptoms suggesting cerebral hemorrhage, as was confirmed by subsequent autopsy.

"D. Summary:

Rewarming experiments of intensely chilled experimental subjects demonstrated that rewarming with animal warmth was very slow. Only such experimental subjects whose physical condition permitted sexual intercourse warmed themselves remarkably quickly, and showed an equally strikingly rapid return of complete physical well-being. Since excessively long exposure of the body to low temperatures implies danger of central damage, that method must be chosen for rewarming which guarantees the quickest relief from dangerously low temperatures. This method, according to our experiences, is massive and rapid supply of warmth by means of a hot bath.



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"Rearming of intensely chilled human beings by human or animal warmth can therefore be recommended only in such cases in which other possibilities for rearming are not available, or in cases of specially tender individuals who possibly may not be able to stand a massive and rapid supply of warmth. As for example, I am thinking of intensely chilled small children, who are best rearmmed by the body of their mothers, with the aid of hot water bottles.

"Dachau, 12 February 1943.

(Signed) Dr. S. MASCHER

The Court will see on the following pages of this well nigh unbelievable document charts which graphically show the rearming of those frozen victims by women. That is to say, by two women. They give an average figure for different rearmings in which they compare rearming by packing in blankets, rearming with two women, rearming with one woman, and rearming with one woman where sexual intercourse occurred.

I now move now to Document No. 10-266 which will be Prosecution Exhibit 106. This is a letter from Dr. Hippke who, according to the information furnished by the defendant Siemers in his memorandum and letters, was suffering some tinge of conscience because of the experiments at Dachau and he here is writing to the Reichsfuehrer on the 19th of February 1943. I want to ask the Court to observe the file number on this document where it will see the code letters 2 II D, and I call to your attention again that refers to the Department for Aviation Medicine which was, at that time, headed by Dr. Anthony with his assistant, the defendant Becker-Freyse.

"Reichsfuehrer":

"The experiments conducted in Dachau concerning protective measures against the effects of freezing on the human body by immersion in cold water have lead to results of practical use. They were conducted by the Stabsarzt of the Luftwaffe Professor Dr. Heidebrecht, Dr. Fink and Dr. Mascher in cooperation with the SS, and are now finished. The result was reported upon by those who worked on them during a conference on medical problems arising from distress at sea and winter hardships on 26 and 27 October 1942 in Nuremberg. The detailed report on the conference is at present in state of preparation.


"I thank you most gratefully for the great assistance that cooperation of the SS has meant for us in conducting the experiments, and beg you to express our thanks, too, to the commander of the Dachau camp.

"Heil Hitler!

Prof. Dr. Hippike"

The Court will have occasion, when we come to the introduction of evidence on the sea water experiments, to read a letter written and signed by the defendant Schroeder which he wrote to Himmler in the middle of 1941 again asking, on behalf of the Luftwaffe, for human experimental subjects in order that the experiments to render sea water drinkable could be carried out and in that letter, as your Honors will see, will appear language somewhat similar to that used by Dr. Hippike in this letter, and, in addition, the defendant Schroeder stated that Himmler had been most helpful on similar occasions, obviously referring to those experiments carried out in Dachau.

We turn now to Document NO 1580-PS which will be Prosecution Exhibit 107. If your Honors please, the translation appearing in your document book at Page 123 contains two letters. We are not here concerned with the letter at the bottom carrying the date May 2, 1941. In looking at that letter you will remember that it went into evidence under the proof on the low-pressure experiments and it carried the document No. 1582-PS. I do not recall the Exhibit number. In any event, it is just an instance of the same document being registered under two numbers and here they have coupled up two documents under 1580-PS. Actually going into evidence is the letter of 26 February 1943. So, if you will simply strike out the translation at the bottom of Page 128 and on 129 then your book will be accurate.



The bottom letter, I am informed, went in as Prosecution Exhibit 16.

This is a letter from Heinrich Himmler to Rascher dated 23 February 1943:

"Dear Rascher:

Best thanks for your letter of 17 February with report on warming-up experiments. I agree to experiments being made at Auschwitz or Lublin, although, I believe that the time for the cooling-off and warming-up tests under natural conditions of cold weather has nearly passed for this winter.

"I am sending this letter at the same time to SS Obergruppenfuehrer Pohl,"



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When I request to order the execution of your experiments at Lublin or Auschwitz.

"Kind greetings and Heil Hitler ! Your A. Himmler".

This letter is in response to the warning-up report which I read into evidence under Prosecution Exhibit 105, and you will note that Himmler is expressing the same fear that we found in the defendant Sievers a few moments ago in stating that it was felt that Rascher's experiments would be delayed beyond the proper time of cold weather so that he could not carry out his dry cold experiments. We are coming to a document in a few moments which will indicate that neither the deceased Mr. Himmler or the defendant Sievers were disappointed in that respect.

We come now to Document 10-262 which will be Prosecution Exhibit 106, and here again we find that the real difficulty between the Luftwaffe and the SS over the valuable services of Dr. Rascher was not because of the feeling on the part of the Luftwaffe that these experiments should not have been carried out on living human beings, but that it was simply a matter of professional jealousy between the people who worked on these experiments and a problem of which organization was to receive credit for these valuable experiments. This letter is from Professor Dr. Hippke, Chief of the Medical Service of the Luftwaffe, dated 6 March 1943, addressed to "Dear Obergruppenfuhrer Wolff" whom your Honors will recall was the liaison officer between the SS and the Luftwaffe with respect to Rascher's experiments.



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"The State Secretary Milch has given me your letter of 21 November of the last year - Diary No. 1426/42 top secret - regarding the release of the Stabsarzt of the Luftwaffe, Dr. Rascher to the Waffen-SS.

"I am prepared to release the Stabsarzt Dr. Rascher from the Luftwaffe, even after the Reich Physician of the SS, SS-Gruppenfuehrer Dr. Grawitz, explained to me that he could not find any substitute; I shall put him at the disposal of the Waffen-SS if Rascher himself desires this release. I shall ask him about that.

"Your conception that I, as the responsible director of all Medical-scientific research work, would have been opposed to the chilling experiments on human beings, and so retarded their development is erroneous. I immediately agreed to the experiments because our own previous work experiments on large animals were concluded and supplementary work was necessary. It is also highly improbable that I, in that I am responsible for the development of all types of possibilities for rescuing our flyers would not do everything possible to further such works. When Rascher in his time explained his wishes to me, I agreed with him immediately. The difficulties, Mr. Wolff, lie in an entirely different sphere: it is a question of vanity on the part of individual scientists, every one of whom personally wants to bring out new research results, and very often it is only with great effort that they can be led to work unselfishly for the common good. None of them without guilt in this respect; Rascher is not either.

"If Rascher wants to build up his own research institute within the framework of the Waffen-SS, I have no objection. All research work within the field of aviation medicine - that is, altitude - moreover, is under my scientific supervision in my capacity as Director of German aviation medicine. This institute would then be under the supervision of the Reich Physician of the SS, SS-Gruppenfuehrer Dr. Grawitz.

"Momentarily, however, this work cannot be carried on because its continuation would require a low pressure chamber, in which not only the altitude of the stratosphere, but also the stratospheric temperature can be established, but there is no such chamber available in Germany as yet: It is just being built as a general chamber in the frame-work of the new Research Institute for Aviation Medicine of Berlin, and I hope I shall be able to have it completed in the course of this

year. If Rascher, on the other hand, wishes to conduct other experiments, not concerned with altitude and chilling problems, these would not be under supervision (aviation Medicine) but under the supervision of military medicine, whom he would have to contact.

"I am going to talk over all those problems with Rascher in old comradeship, and I shall again notify you".

"With kind regards and
Heil Hitler!"

"Hippke".

Now, there are at least two interesting points about this letter, one of which is Hippke's explanation of the apparent difficulties between certain members of the Luftwaffe Medical Service and Dr. Rascher, and Hippke himself puts it on the ground of professional jealousy. May I suggest to the Court that that is certainly a sufficient explanation of the difficulties which Dr. Wetz, the defendant in this dock, will have you believe existed between him and Rascher, and that is the explanation of those difficulties, rather than any compunction on the part of the defendant Wetz, as to these experiments.

Secondly, Hippke here indicates that any problems concerning aviation medicine come within the jurisdiction of the Medical Service of the Luftwaffe. He states that if Rascher wishes to conduct experiments not concerned with aviation medicine, then he comes under the jurisdiction of military medicine, and the German words there are given, "Heeres-sanitäts-inspektion" which, if Your Honor please, refers to the position occupied by the defendant Handloser at this time. He was Chief of the Army Medical Inspectorate.

I turn now to document 1615-Pb, which will be Prosecution Exhibit 109. This is a letter written by the

defendant Rudolf Brandt to Dr. Grawitz on 9 March 1943.

"Dear Gruppenfuehrer: I wish to inform you very briefly, that Reichfuehrer SS on February 26, 1943 authorized SS Captain Dr. Rascher to make warming experiments in Auschwitz or Lublin. Of course, considering the warm weather, the time for cooling and warming experiments under natural temperature conditions would not be possible in that proportion."

This letter, of course, refers back to the conference had between Dr. Rascher on the one hand and Grawitz and the defendant Pottendorf on the other, and Brandt



is here advising him that further dry cold experiments will take place as requested by Grewitz and his assistant, Popendick.

The next document is NO-270, which will be Prosecution Exhibit 110. This consists of a cover letter from Dr. Rascher to the defendant Rudolf Brandt, enclosing a running account of a talk Rascher had with Hlopke. The letter is dated 11 March 1943.

"Dear Obersturmbannfuhrer, on 12 March I was ordered to a conference with Generaloberstabsarzt Prof. Dr. Hlopke. The inspector was extremely friendly. I had the impression that the whole affair was painful to him. For your information I enclose a short description of the conversation. This description is by no means a complete one despite the fact that I took down notes immediately after the conference. I would like to emphasize the Inspector's unusual amiability and caution in all expressions concerning the SS.

"May I respectfully ask you to inform the Reichsfuhrer SS of the report in so far as this seems necessary to you.

"May I also ask you, if you do not mind, to inform Hauptsturmfuhrer Heckenstaller since as far as I know he worked on my transfer by order of Obergruppenfuhrer Wolf. Signed Rascher."

The report is part of the same exhibit, and is dated 11 March 1943.

"Report on the conference between Generaloberstabsarzt Prof. Dr. Hlopke and Stabsarzt Dr. Rascher on 12 March 1943 in Berlin. The course of the discussion can be described in its meaning only, not literally since the conference lasted for 3/4 of an hour.

"Very friendly welcome by Prof. Hlopke. Immediately

after that the question, who desired the transfer to the
Weffen-SS, and who suggested it.

"Rascher, suggested and desired by the Reichsfuehrer
SS as well as by myself. I, too, have submitted a transfer
request through the official Luftwaffe channels.

"Hippke: So then it is true. Why do you really want
to leave the Luftwaffe? I gave you every opportunity to
work in the scientific field, and with us you will be backed
by the solidarity of the entire medical officers' corps of
the Luftwaffe. Besides, we have the necessary experience
in treating medical problems connected with aviators. The
SS cannot possibly be interested in these questions.



"Rascher: But the Reichsfuehrer SS does not desire at all to have these tasks carried out for the benefit of the SS alone, he expressed himself to that effect that the tasks shall be accomplished and the results shall be really made available to all interested agencies on the most rapid way.

"Hippke: We can maintain this connection with the SS also if you stay with the Luftwaffe. I hereby request you to stay with the medical corps of the Luftwaffe.

"Rascher: I beg to submit respectfully that in as far as I am concerned, the decision about this has already been taken.

"Hippke: But in this case you must realize that the medical officer's corps of the Luftwaffe will no longer solidly back you up and that you have to expect scientific enmities and perhaps even a bitter fight in the scientific field with individual gentlemen, especially reservists, who brought along from private life their scientific manners. But even if you no longer belong to my officers, you will always have my full support. I wish that even later on we continue to work together. For instance, I would like to see that you carry out together with Rosberg the rescue from highest altitudes and that you go even higher than 21,000 meters. For this case some two-stage device should be procured some way for the low pressure car. Further, I would desire that in your experiments on human beings, you would combine the altitude experiments with the cold experiments.

"Rascher: I proposed this to you already in July of last year and the Reichsfuehrer SS for his part has also submitted this proposal to Marshal Milch. Unfortunately nothing resulted from intervention so far.

"Hippke: How embarrassing this question must have escaped my notice at that time (he takes down some notes) as already said you see there are numerous problems and you are going to be really overburdened with scientific matters. I do not let you go readily and this I emphasize again. Would you not think it over again for four weeks."



"RASCHER: For this it was too late, I asked for my part too to be transferred.

"HIPPE: This could be cancelled. I call your attention to the fact that with the Luftwaffe I can offer you very good possibilities for your promotion. You do not yet know your advancement with the SS, do you already know in which capacity you are going to be taken over? You are now Hauptsturmführer, I suppose?

"RASCHER: I do not know how I am going to be taken over, but I have full confidence in my future with the SS where efficiency is what matters,

"HIPPE: But this is certainly the case with us too, think it over whether you go, I request you again to stay here".

When I told Hippke during the further course of the conversation how the work is done at my place, he was very surprised and said, "Well, you build up an independent institute for yourself and so you are leader of the institute".

Hippke mentioned also that Gruppenführer Grunitz did not want to furnish a substitute for me, no, nobody at all, not to speak of a medical officer trained in scientific matters. In conclusion Professor Doctor Hippke said, well, if you persist in your decision I ask you then to report to me before leaving when you are transferred. Most friendly dismissal. Postscript: Professor Hippke offered me the possibility of publishing the results hitherto obtained in a Luftwaffe periodical. It was certainly not clear whether the SS could make accessible to me a periodical in which I could publish. He was afraid I could suffer from the competition between physicians of the Luftwaffe and SS physicians. I would like to mention that in connection with the hostility to be expected on the part of genuine Luftwaffe physicians Professor Hippke said "in this case you have of course the SS behind you - and this is a powerful factor!" The court will see that the defendant Rosenberg is again mentioned in connection with Rascher at this late date when Hippke suggested that his subordinate, Rosenberg, in the Institute of DVL, cooperate still further in the murderous experiments conducted at Dachau.



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on human beings exposed to the open air.

" Early in May I hope to be in a position, dear Reichsfuehrer, to submit to you my habilitation thesis. SS Obersturmbannfuehrer, Professor Dr. Ifenhausen of Wartburg is prepared to use and accept it as secret thesis of habilitation.

" Do you want me to send copy of the enclosed report to the Reich Physician SS ?

" With most devoted greetings and Heil Hitler I am always your obedient and grateful - S. Rascher."

Unfortunately we do not have a copy of this freezing report which is mentioned in the letter.

We come now to Document No. 241, which will be Prosecution's Exhibit No. 113. The letter is dated 16 April 1943. It is addressed to " Dear Comrade Rascher," by the defendant Rudolf Brandt.

" The Reichsfuehrer SS has received the report concerning the freezing experiments on human beings exposed to the open air, and thanks you for transmitting same.

" Kindly contact SS Gruppenfuehrer Professor Gebhardt who received from Reichsfuehrer SS your report for study. Please ask SS-Gruppenfuehrer Gebhardt personally at Muenchlychen when your visit would suit him.

" Also send copy of the report to the Reich physician SS.

" I take the opportunity of confirming receipt of your letter of April 4, 1943.

" Cordial greetings and Heil Hitler !

" Yours

Rudolf Brandt."



Here again we see the name of Gebhardt mentioned, as it appears even before that of Reich physician Doctor Grawitz.

The next Document is No. 322, which will be Prosecution's Exhibit No. 114. This letter is by Rascher to SS Obersturmbannfuehrer Keindl, who was the commander of the Sachsenhausen Concentration Camp near Oranienburg which is just above Berlin.

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" Obersturmbannführer ."

" By order of the Reichsführer SS, I have been conducting freezing experiments on human beings in the Dachau Concentration Camp for more than a year. To-day I learned from an experimental subject that I was not the only one conducting these experiments, but that, on the contrary, already in October-November, 1938 similar experiments had been conducted in the Sachsenhausen Concentration Camp. SS-Hauptsturmbannerführer Dr. Sarnstrom is said to have frozen experimental subjects - that is prisoners - in cold water, and subsequently revived them by means of warm water or hot compresses. As I was to work out and have worked out a prescription for the Waffen SS for the resuscitation of frozen persons (for the campaign in the East), knowledge of all preliminary experiments in my field of work is of great importance for me. I therefore request that if possible you let me know what kind of experiments were conducted in your camp, and, if possible, what results were obtained in connection with these experiments.

" As you might not know anything about me, please make inquiries about me, if necessary, either at the Personal Staff of the Reichsführer SS (Obersturmbannerführer Baumert) or from the Commander of the Dachau Concentration Camp, SS-Sturmbannerführer Weiss .

" Yours sincerely."

Now, we come to Document No. 230, which will be Prosecution's Exhibit No. 115. And, this is, in fact, a short statement of the work performed by Doctor Rascher, and it was apparently prepared by him to aid in his habilitation of academic leaders.

THE PRESIDENT : Mr. McHoney, I will ask you to read that slowly because our photostatic copy here is in a very bad condition.

MR. MC HONEY : Yes, sir,

This document is dated 17 May 1943. The heading of it is : " Course of Medical Training "

" After my state examination I became voluntary assistant at the surgical clinic of the Munich University from 1935-36

" From 1936-39 I was an unpaid assistant in the surgical department of the Schwabing Hospital in Munich.

"Since May 1939 till today I have been in military service with the Air Force.

"From 1939 till December 1942, I was attached to the Bureau of the Anti aircraft artillery school IV. During the whole summer 1941 I was attached to "Tranquerra" with the front command, station Benina-Derna.

"Subsequently I repeatedly held prolonged commands abroad, (Scandinavia, Italy).

"From 1939 till February 1942 I regularly acted as an Assistant surgeon and repeatedly held the position of an independent chief physician of Hospitals.

"From 1933 till 1938 (up to the invasion of the Sudentland, after which date I entered the military service) I worked, with the assistance of the Emergency Society for German Science, and in cooperation with the University Professor Dr. Trump in the Pathological Institute of Munich University, on the subject: 'Is it possible to influence different media of crystallization by addition of organic compounds to such a degree, that the thus obtained changes can be utilized for diagnostic purposes?'

From this originated the following treatises: 'Attempt of a crystallographic diagnosis of pregnancy; examination of G. Pfeigus's statement about the possibility of a crystallographic cancer diagnosis', published in the 'Munich Medical Weekly Journal 1936, and 'Provisional report on attempts of a crystallographic Cancer-Diagnoses', 'Munich Medical Weekly Journal 1938. The research work of Lieser and Hackel, G. Pfeigus and others, who were able to show the influence on the crystallization by means of addition of organic compounds, induced us to conduct these experiments. The fact that the tumor tissue during its growth secretes heterogeneous albumen into the body fluids, which is one of the causes for cachexia, induced us to investigate whether these albumens were also in a position to produce a typical effect on the crystallization in a saturated solution (e.g. copper sulfate). In fact in the further course of these investigations typical changes in the crystallization appeared, which seemed to justify further researches in this field. Experiments to influence the crystallization with small doses - 1 to 1/10 milligram - of the different amino acids had a

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positive result. Also the crystallization of the blood of white rats and mice of the animal form for tumor-research in Berlin, implemented with carcinomas or sarcomas showed a definite change in comparison with the blood of healthy animals.

"As to the blood of tumor infected human beings, the experiments conducted are not yet sufficient to make any report on them.



"By military order, I started in 1939 in co-operation with the University Professor Dr. G. B. Fischer, Harburg, to work out a "Medical method of selecting soldiers fit for stereoscopic vision" (Selection of range-finder operators).

"The results of this research work can be found in a secret military document, as well as in an aviation regulation (see also the plastic instructions) film on the training of range-finder operators, published by the German Air Ministry). Basing on this method, the range-finder operators of the optical system are being selected at the Anti-aircraft Artillery School IV for the air force, the Waffen-SS, the army and also in part for the navy. In the years 1940-41 I held lectures on the subject "Selection of range-finder operators" in the anti-aircraft artillery school of the navy and conducted also regularly selection courses with lectures at the anti-aircraft artillery school".

I suppose that is IV - yes.

"Since February 1942 I have been conducting experiments in the Dachau Concentration Camp: first, By order of the Reichsfuehrer-SS and the Surgeon General (Generaloberstabsarzt) Prof. Dr. Hippke, I conducted "Experiments with Dr. med. habil. S. Ruff and Dr. Romberg of the German Experimental Institute for Aviation (D L) Berlin. The results of these experiments are described in a secret military document and in two big experimental films. Second, By order of the Reichsfuehrer-SS and the Surgeon General (Generaloberstabsarzt) Prof. Dr. Hippke, I conducted "Experiments for the rescue of frozen persons (started on 15 August 1942) in cooperation - for four months with the University Prof. Dr. Holloehner, Kiel and Dr. Fink of the Kiel University.

"Since the results of our common researches partly due to the lack of time, were not exhaustive enough, and since the newly acquired scientific findings were not utilized, I continued, to work with four or five chemists on the solution of the physiological-chemical problems with regard to frozen persons. Examined were amongst other the changes of the heart action, the blood status, the non-protein nitrogen, the Hb-I blood level, the blood

sugar, the lactic acid, the blood oxygen and CO₂ (arterially and venously),
the plasma and serum viscosity, the hemolysis, the speed of the blood
circulation, and the size of the blood corpuscles. Still completely missing
are the explanation of the changes of the respiration capacity (because
of the lack of an appropriate instrument, the Krogh



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spirometer), the graphic record of the change of the blood pressure (because of the lack of a sphygmograph, as well as the proper instruments for a surgical method for taking the blood pressure), and the examination of the adrenaline changes in the blood (for this purpose are missing: a Pulfrich photometer, a Hanau quartz-lamp for analysis with dark filter, a mixing bowl, Schott glass filter GG14 and a Schott glass filter GG17).

"The Reichsfuehrer--SS ordered that on basis of one of these two researches I should apply for admission as a qualified academic teacher. The total completion and the critical evaluation of the observations with regard to frozen human beings will take about four to five months more. In order to conduct these experiments, it is absolutely necessary that the instruments mentioned in the previous paragraph be placed at my disposal.

"For the time being, the staff of co-workers at my disposal, is sufficient.

"After conclusion of this research work I intend, as agreed upon, to return to the University Institute for Aviation Medicine and Hygiene (Prof. Dr. Pfannenstiel, Marburg) for my further scientific training. With Prof. Dr. Pfannenstiel a schedule as to further research in his institute has already been worked out. The research work, which I personally chose, concerns:

- 1) High altitude
- 2) Elucidation of freezing injuries in the scope of critical research.

"I am Chief of Department of the "Ahnenerbe" and in this capacity I have been conducting my scientific research work until now; the 'Ahnenerbe' has always assisted

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me in every respect."

(Signature) SIGMUND RASCHER.


The next document is NO.2¹, which will be Prosecution Exhibit 116 and here we get a little further insight into the activities of the defendant Gebhardt. This letter is from Sigmund Rascher to the defendant Sievers as Reich Business Manager of the "Ahnenerbe" Society from Dachau, Dr. Rascher is still working there. The date is 17 May 194³.

"Dear Standartenfuehrer: The following contains a short account of my report to SS-Gruppenfuehrer Prof. Dr. GEBHARDT.

"On 14 May 194³ I reported to SS-Gruppenfuehrer Prof. Dr. Gebhardt at Hohenlychen. I had hardly arrived, when SS-Gruppenfuehrer Prof. Dr. Gebhardt

Dear Standartenfuehrer: The following contains a short account of my report to SS-Gruppenfuehrer Prof. Dr. GEBHARDT.

"On 14 May 1943 I reported to SS-Gruppenfuehrer Prof. Gebhardt at Hohenlychen. I had hardly arrived, when SS-Gruppenfuehrer Prof. Dr. Gebhardt asked me to account in a very loud voice, how I dared to submit specialist medical reports directly to the Reichsfuehrer SS (he was referring to the treatise on 'The Cooling of Human Beings Outdoors'). I actually did not even get a chance to speak and, practically, couldn't reply anything. Then, when I tried to reply, Prof. Dr. Gebhardt said that, if I wanted to defy him, my train would be leaving for Berlin at 3 o'clock. When I was finally given opportunity to speak, I could point out to Prof. Dr. Gebhardt that the report in question was not meant to be a strictly scientific work, but simply was a short informant for the Reichsfuehrer SS on the results of the experiments conducted up to now. Prof. Dr. Gebhardt had taken the view that the report was unscientific and if a student of the second term dared to submit a treatise of that kind, he would throw him out. Later on I could tell him that of course all the physiological-chemical experiments that could be carried out in Dachau with the available instruments had indeed been conducted. Where upon Prof. Dr. Gebhardt replied: I can imagine that you did a lot of work, one can tell it from this job. If I had not believed that you did a lot of work, I would not have asked you to come at all.



"In addition, Prof. Dr. Gebhardt said that he intended to merge all the groups of physicians working independently within the SS, since that would suit the Reichsfuehrer SS much better than individual people working on their own. Besides that, I somehow ought to learn university methods by working somehow, since very likely I did not yet have the proper training. SS-Gruppenfuehrer Prof. Dr. Gebhardt suggested that it was necessary for me to get out of Dachau, since there I was quite left to myself and had no guidance whatsoever once I intended to enter upon a university career, I would by all means

have to complete the training of a university assistant first. He further said that all those SS-physicians, who are qualified to enter upon a university career, had the duty to do so. Upon my reply that for that reason I was already in touch with Professor Pfannenstien, Professor Gebhard replied that these matters ought to be processed by a centralized agency. In future it would not do that I send any reports directly to the Reichsfuehrer SS, but further reports to serve their purpose would have to be transmitted through him to the Reichsfuehrer. If the report had reached a suitable stage, he would first inform the Reichsfuehrer SS, go and see the Reichsfuehrer SS, together with me. Finally Professor Dr. GEBHARDT asked me to give him data



on my personal and scientific career, to enable him to make further arrangements. He requested me to call again in the afternoon. When I called in the afternoon, I was, as already in the morning, accompanied by SS-Hauptsturmfuehrer Dr. FISCHER."

I would like to say hypothetically, Your Honor, that it is the defendant Fischer, but since I am not sure of it, I will not say it.

"This time, Prof. Dr. GEBHARDT was extremely amiable. He asked me whether I now agreed with his arrangements; it would be by far the best I could do, if I joined him. I should not worry, but just continue my work in Dachau, until I had finished my jobs. Later one would see what was to be done for the future. Upon my question, what it was all about, and who was my superior, whether the Reichsarzt SS, SS-Gruppenfuehrer Dr. GRAMITZ, who had come for an inspection several days ago, the Reichsfuehrer SS, as he personally had promised me, or the 'Ahnenerbe', of which I had been a member for years, Prof. Dr. GEBHARDT suggested, all that will be straightened out. Just trust it to me. But I'll need your curriculum vitae soon, since I have to report to the Reichsfuehrer SS on 23 May.

May I ask you, Standartenfuehrer, under whom I am actually working? Under the Reichsfuehrer SS, the Ahnenerbe, the Reich Physician or Prof. Dr. GEBHARDT? Prof. Dr. GEBHARDT has already asked me why I was not a member of the Waffen-SS. Upon my answer that Dr. HIPFKE does not like to let me go, he declared, you are too able for him to let you go. Standartenfuehrer! If the same tug of war starts in the Waffen SS as has been going on between the Luftwaffe and SS, I'd rather do without a transfer to the Waffen-SS. I was promised, that I would continue to work under the Reichsfuehrer SS, under the 'Ahnenerbe'. But I cannot serve several masters at the same time. Of course, I am convinced that SS Gruppenfuehrer Prof. Dr. Gebhardt had the best of intentions. His assistants are enthusiastic about him. If I am compelled to ask Prof. Dr. Gebhardt's advice each time I am going to start a new experiment, I will get so much involved in the academic routine that I won't even

be allowed to experiment such a method as rapid resuscitation that overthrows all the established clinical experiences, because they contradict Prof. Dr. GERHARDT's methods, which are based upon centuries old clinical experiences. Also the cooperation with Prof. v. Luetzelburg would thus come to an end, as these experiments are from the very start contradictory



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to the hitherto recognized clinical experiences. I think, this arrangement would stop everything that really ought to be experimented.

"I pray you with all my heart, Standartenfuhrer, to handle this affair in such a way that Prof. Dr. GERMANN, who is a very close friend of the Reichsfuhrer SS does not turn my enemy. I think that Prof. Dr. GERMANN can and will be an extremely disagreeable adversary. Should I get into trouble with him, I would rather resign my job and ask for an immediate transfer to the Luftwaffe for combat service. I, therefore ask you again to deal with this affair with as much circumspection as it actually requires, because in addition I am convinced that Prof. Dr. GERMANN (apart from his personal ambition) really has good intentions".

There are two inserts noted here;

"HEFF, who, as you know, is a farm manager by trade, asked me whether there was no possibility for him to return to his old job. Having been promised last year by the Reichsfuhrer SS on the occasion of his inspection of the experimental station in Dachau on 1 May, that he could return to his old job after a time of probation, I think that I can recommend HEFF's request for giving him a chance to return to his old job as a farm manager. There are many SS farms, where a good manager, who really understands his job is badly needed. I believe that considering the present situation, it is much better to release HEFF to his job as a farmer, rather than keeping him here for the only reason of 'boarding' one more worker. HEFF is a good and industrious worker, but I am convinced that he is more efficient as a farmer, because he will be heart and soul in his job. I once had a talk with Herr LIPPERT, Dachau Medicinal Plant Garden, about HEFF. Lippert said that specialists like HEFF were looked for like pins in a hay stack. He did not have no but plenty of openings for farm managers, where he could place HEFF immediately. I certainly regret to let HEFF go, because I don't know, whether I will find again such an honest and active assistant for general tasks, but on the other hand, I can see the importance of agriculture and therefore I am keeping HEFF ready for this purpose. Please think it over, whether anything can be done in this matter".

(Signature) S. MOEMAN.

A copy was sent to the defendant Siobers.

This letter demonstrates very well, I think, the extreme power of the defendant G_obbardt. As a matter of fact, it can be seen that Rascher also was afraid of him and he was ready to go to the front as a fighter for the Luftwaffe. It moreover indicates that the defendant G_obbardt was at this time anxious to manage all the group of physicians working independantly with the SS. I will recall to the Tribunal that the reorganization of the medical service of the Waffen-SS occurred in August of 1933 and this letter is dated 17 May, 1941.

THE PRESIDENT: The court will now recess until 9.30 tomorrow morning.

(The Tribunal adjourned until 13 December 1948, at 0930 hours).



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OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1 TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 2**

**TRANSCRIPTS
(English)**

13-19 December 1946 pp. 365-799

CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 13 December 1945, 0930-1430, Justice Beals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal 1. Military Tribunal 1 is now in session. God save the United States of America and this Honorable Tribunal. There will be order in the courtroom.

THE PRESIDENT: The Marshal will ascertain if the defendants are present.

THE MARSHAL: May it please Your Honor, all the defendants are present in the courtroom.

THE PRESIDENT: The Secretary General will note for the record the presence of the defendants in the courtroom.

R. HARDY: May it please the Tribunal, the prosecution respectfully requests a 15 minute recess due to the fact we have had mechanical difficulties with the safe in which we have the exhibits secured. We assure you we will be ready in another 15 minutes.

THE PRESIDENT: The Tribunal will be in recess until we are informed the mechanical difficulties have been overcome.

R. HARDY: Thank you.

(A recess was taken.)



THE MARSHAL: Persons in the courtroom will find their seats.
The Tribunal is again in session.

MR. McHANEY: May it please the Tribunal, at the recess yesterday evening, we had completed the introduction of Document NO-231 as Prosecution Exhibit 116, which the Tribunal will recall was the letter by Dr. Rascher to the Defendant Siemers discussing a conference which he had had with the Defendant Gebhardt.

I come now to Document NO-267 which will be Prosecution Exhibit 117. This is a letter from the Defendant Siemers to the Defendant Rudolf Brandt, dated May 22, 1943.

THE PRESIDENT: The last exhibit I have marked is 116. Did I miss one?

MR. McHANEY: The next exhibit will be Prosecution Exhibit 117. 116, your Honor, was introduced last yesterday evening and was Document NO-231. Prosecution Exhibit 117 is on page 149 of the English Document Book. It concerns the report of SS Hauptsturmführer Dr. Sigmund Rascher to SS Gruppenführer Professor Dr. Gebhardt.

"Dear Comrade Brandt, on May 17, 1943, I received an urgent call from SS Hauptsturmführer Dr. Rascher who wanted to give me an account of his conversation with SS Gruppenführer Dr. Gebhardt. The contents of that report induced me to request Dr. Rascher to submit the report in writing. I am sending you herewith that report and ask you to let me know whether the Reichsführer SS has given any definite directive to SS Gruppenführer Professor Dr. Gebhardt in regard to Dr. Rascher's sphere of action and work. I entrust you with this affair and ask you particularly to use it only for your strictly personal information so that Dr. Rascher does not encounter any difficulties with SS Gruppenführer Professor Dr. Gebhardt. In the meantime Dr. Rascher has submitted his

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personal and scientific curriculum vitae to SS Gruppenfuhrer Professor Dr. Gebhardt in accordance with request. Hail Hitler. Your Siewers".

The letter, of course, refers to the report which we have already offered in evidence. Oh, I beg your pardon, it refers to a report which is given in Prosecution Exhibit 116, and again it shows that the Defendant Gebhardt occupied a very influential and powerful position within the Medical Service of the SS. Both the Defendant Siewers and Rascher were very much afraid to do anything that might upset the Defendant Gebhardt, and of course, the curriculum vitae which is referred to in that letter has also been introduced in evidence as Prosecution Exhibit 115.

We come now to Document NO-229 which is a letter of 27 September 1943 by the Defendant Siewers to the Defendant Rudolf Brandt. It concerns the appointment of SS Hauptsturmfuhrer Dr. Rascher as a lecturer. Dr. Rascher, as the Court will see, from some of these exhibits, was assigned to be appointed as a lecturer to one of the universities in Germany.

"Dear comrade Brandt! I have taken up the matter of the appointment of Dr. Rascher as lecturer. I myself brought together Dr. Rascher with Professor Dr. Bloch as well as with SS-Gruppenfuhrer Montzel. The procedure and the possibilities were thoroughly discussed. Professor Bloch talked with Professor Pfannenstiel at Marburg. So that the path toward effecting this appointment, which is to be a 'secret appointment' ('Geheimhabilitation') and therefore causes some difficulty, is smoothed. Kind regards and Hail Hitler! Yours, Siewers."

And here we see the Defendant Bloch entering the picture for the first time in our exhibits, at least. The Court will recall that the Defendant Bloch was, from 1941, a member of that august body, the Reich Research Council, and without any question the

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Defendant Sievers, who by this time, was himself

a member of the Reich Research Council, was in contact through that agency with the Defendant Blome.

You see here mentioned also SS Brigadefuehrer Montzel, and you will recall that Montzel was something in the nature of a chairman of the Managing Committee of the Reich Research Council, and Sievers was deputy to Montzel. And here in this letter we see that the Defendant Blome has been contacted in an effort to qualify Rascher as an academic lecturer on the basis of his research in Dachau on high altitude problems and freezing problems.

I am sorry, Your Honor, apparently I did not offer this formally.

This is Document NO-229, and will be Prosecution Exhibit 118.

The next document is NO-432 and will be Prosecution Exhibit 119, and this letter, too, makes a most interesting reference to the Reich Research Council on which the Defendant Blome was active, the defendant Karl Brandt was active, the defendant Slowers was active, and also the defendant Rostock as alternate for the defendant ~~Karl~~ Brandt. This is a letter from the deceased Rascher to Walter Noff who was the inmate assistant to Dr. Rascher in Dachau and helped him very materially with the high altitude, freezing, and other experiments carried out there by Rascher on concentration camp inmates. The letter reads as follows.

"Dear Noff: Your letter dated 11.10 reached me here on the 15.10. First of all many thanks for your decision to write such a detailed letter. I really was very pleased about it. To come right away to the affair concerned: I am very sorry to hear that you are being bullied, especially as there exists no reason at all for it. Please let me know the name, rank, and address of your commanding officer, because I most certainly will take the matter up. There is no purpose at all in your getting stuck there. Finally I too know how the general condition of your health had been, when you were still here, and I also am able to judge that you cannot go through a heavy infantry training. I am glad that you became also accustomed to the ideals of the place and had convinced that you would be glad to go to the front. But nevertheless: On the other hand, I believe that I need you more urgently than you are needed at the front. As a matter of fact I need you for the following: From the Reich Research Council I got the order to carry out open-country freezing experiments, and I think they will take place on the Saalfeld. Now, I need urgently a most

reliable man, acquainted with the material, and that is you in this case. I will go in the next few days with Sievers to the Buchrer's Headquarters and report there in this sense and will let you know immediately.

"I received a copy of a letter according to which you have to rely on family allowance during the time of your mobilization. If the amount of money you receive is considerably lower than the pay you drew up to now, I will be glad to give you or your wife 50 marks monthly out of my pocket. You can take it without being ashamed; I can afford it, and I am glad to do it. As a matter of fact, I do not like to see you getting into difficulties. I ask you, of course, to regard that as a comrade-like private matter between the two of us. You know me too well to feel ashamed. I expect your frank answer to this matter without any inconvenience. My wife and myself are alright. The last air raid slightly damaged only the light-giving appliances and the walls, that is to say, the bulbs were smashed.

"I expect your notice soon, and remain until then with sincerest comrade-like regards, your old chief, signature, Rascher."

In addition to seeing from this letter what the deceased, Dr. Rascher -- in addition to his other fine characteristics -- he was also an extraordinary generous individual. But the important thing to note is that Rascher states here that he has received an assignment from the Reichs Research Council to continue his dry freezing experiments. Now, I call the Tribunal's attention to the date on this letter from Neff which is 21 October 1943, and ask you to compare it with the date on Prosecution Exhibit 118, which is 27 September 1943; and from this Prosecution Exhibit 118, the Tribunal will see that the deceased, Rascher, had been in touch with Dr. Blome, a member

of the Reich Research Council; and a matter of three weeks later, he reports that he has received an assignment from the Reichs Research Council. And I suggest that that is not a matter of simple coincidence. Fortunately, however, the Prosecution does not have to rely upon this reasonable deduction from the documents. Document NO-690 --

THE PRESIDENT: Just a moment, counsel. I noticed that the date of the letter for Exhibit 119 on this copy, at least, is 21 October 1946.

MR. McHANEY: You are right, Your Honor. One moment, please, I am sure that that is a mistake. Mr. Travis will you pass the Exhibit up to the Tribunal? This is the document going into evidence, Your Honor, as Prosecution Exhibit 119, and the date is 1943 and not 1946, which is a mistake on translation.

As I was observing, we need not rely upon this reasonable deduction to prove that the defendant Blome was instrumental in securing this freezing assignment from that great research body in Germany, the Reichs Research Council.

And I offer Document NO-690 as Prosecution Exhibit 120, and this, Your Honors, is a card taken from the files of the Reichs Research Council which shows the research assignments being worked on under the auspices of Professor Dr. K. Blome, who is the defendant Blome in this dock; and I call your particular attention to the research assignment listed third in order on page 154 of the English Document Book. There you will see that the priority number which is listed as the SS number is 0328, requested by Rascher, Munich; topic: Rewarming after general freezing of the human body, healing after partial freezings, adjustment of the human body to low temperatures. Then comes the registration number 1879/15. This is noted as worked on by Professor Dr. K. Blome with his deputy being Dr. Sreuer; and I submit that this document conclusively proves

that the defendant Kurt Blome was also implicated in the horrible experiments that took place in Dachau. As long as we are on this document --

THE TRIBUNAL (Judge Sebring): Will you point that out again, sir, that statement from which you draw that inference?

MR. McHANEY: The research item is noted on Page 154 of the English Document Book, and you will see that the third research assignment under the auspices of the defendant Blome is listed as Rascher; Rewarming after general freezing of the human body, healing after partial freezings, adjustment of the human body to low temperatures. I construe that, Your Honor, to be a continuation under the auspices of the Reich Research Council of the freezing experiments in Dachau; and, of course, that is corroborated by Prosecution Exhibit 119, the letter to Neff in which Rascher is asking Neff to return to him in order to assist to carry out this research assignment from the Reich Research Council.

THE TRIBUNAL (Judge Sebring): I thought you drew some inference and made some statement to the Tribunal that the document tended to show that Dr. Blome had worked upon the matter, is that correct?

MR. McHANEY: Well, I wouldn't go so far as to say that he actually experimented with Rascher. The burden of my argument is that the defendant Blome secured an assignment by the Reich Research Council for the deceased Rascher in order that he could continue his experiments under their auspices and with their support, which proves a number of things, Your Honor, in addition to the fact that the defendant Blome has now become implicated in the dry freezing experiments at least. It also shows that the Reich Research Council as a whole has become involved in criminal experiments upon living human beings and to further support that, I call your attention to the research

assignment immediately under the Rascher assignment which reads: "SS number 0329, Hirt, Strassburg." The topic is "Changes in the living organism under the influence of poison gases." And that, if Your Honor please, is a reference to the Mustard gas experiments to which we will come at a later point in the trial and these experiments again will be proved to have been carried out upon living human beings in concentration camps; and these two were carried out under the auspices of Kurt Blome in the Reich Research Council.

We come now to Document NO-290 which will be Prosecution Exhibit 121. This letter again makes reference to the efforts of Rascher to obtain admittance as a lecturer to a university. This letter is from the defendant Sielvers to the defendant Rudolf Brandt, dated 21 March 1944.

"Dear Comrade Brandt, My last letter to you on this subject was written on 27 November 1943. In spite of the intervention of SS Brigadefuehrer Professor Dr. Mentzel and the deputy Reichsarztchefuehrer (Chief of the Reich physicians league), Professor Dr. Blome, of which I informed you at the time, admission to the faculty with Professor Pfannenstiel at Marburg was not possible. On the 30th of November, Pfannenstiel wrote to Professor Blome on the subject as follows: "I tried to pave the way for admission to the faculty here since it was clear from personal discussions with Dr. Rascher that our spheres of work ran parallel to a great extent. The fact that Rascher's activities have to be kept secret makes the affair very difficult to handle. In these circumstances I was unable to persuade the Marburg medical faculty to admit Rascher. (Professor Pfannenstiel then recommends that an attempt be made to have him admitted to the faculty in Frankfurt or Munich). I am genuinely sorry that I cannot fulfill as I originally hoped to do, Dr. Rascher's justifiable desire to gain admission to the faculty in Marburg on the basis of his scientific work with which I am

acquainted, and I ask him to consider my other proposals on the subject. To undertake such an attempt in Munich would serve no purpose, since, as you know, a similar attempt was already made with negative results. The director of the Institute for Aviation Medicine in Frankfurt, Oberstabsarzt Dr. Behringhausen, who already considered to take part in the presentation of the thesis in Warburg, would most certainly have been induced to favor admission to the faculty in Frankfurt. However, owing to the need for secrecy we would have been exposed to the same difficulties with the medical faculty in Frankfurt.

"A discussion with SS Hauptsturmführer Dr. Hirt, who is thoroughly familiar with Dr. Rascher's work, revealed that the easiest thing would be to have him admitted to the Strassburg faculty. Here it is possible to have the work examined by SS Führer's only and admission to the faculty carried out in secrecy."

Your Honor, the next two pages of the Document Book have been reversed. The letter continues on page 152 -- rather, 153 of the English Document Book. Page 153 is an attachment to the letter itself. The letter continues with the listing of the SS Professors at Strassburg who could help Rascher gain admittance, and these are:

- "1.) The Dean of the medical faculty, Professor Dr. Stein.
- "2.) The Assistant Dean, Professor Dr. Hirt.
- "3.) The Professor of Physiological Chemistry, Professor Dr. Deckerhoff.

- "4.) The Professor of Pharmacology, Dr. Gubhart.

"It would be advisable for you to forward a letter to the Dean of the medical faculty in order to initiate the procedure in the proper manner. I enclose a draft. Please inform me when the letter has been dispatched, so that Dr. Rascher may submit his work. Signed, Siemers."

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And the draft of the letter is on page 157 of the English Document Book. It is addressed to the Professor Dr. Hans Stoin, Dean of the medical faculty of the University of Strassburg.

"My dear Professor: By order of the Reichsfuehrer SS, the department head in the Institute for Military Scientific Research of the Waffen-SS, SS Hauptsturmfuehrer Dr. Rascher has carried out experiments dealing with the freezing of the human body which are important for the conduct of war. Since the Reichsfuehrer SS wishes Dr. Rascher to obtain admission to the faculty, the latter intends to do so by submitting his thesis on "Experimental tests on phenomena occurring during the freezing of the human body." The Reichsfuehrer SS is willing to agree to this, but considers it necessary that the secrecy regulations laid down for such experiments also be complied with in carrying out the admission to the faculty. Professor Dr. Hirt, furthermore, is familiar with the details of Dr. Rascher's work. The Reichsfuehrer SS therefore requests that the work be examined by competent members of your medical faculty and a decision be made whether the admission to the faculty can be carried out."

This document shows us that the University of Strassburg was, in fact, an SS university, and we will see that, among others, the Defendant Karl Brandt had some relationship with members of the faculty in Strassburg.

I come now to --

THE PRESIDENT: I would like to return a moment to your Exhibit 120 referring to Dr. Blome.

MR. MOHANEY: Yes, sir.

THE PRESIDENT: I notice in that exhibit, on page 154, Professor Blome is described twice in connection with cancer research.

MR. MOHANEY: That is right, yes, sir.

THE PRESIDENT: And on the next page, 155, he is also described twice as Commissioner for Cancer Research.

MR. MOHANEY: Yes, sir.

THE PRESIDENT: Now I do not understand clearly the meaning of the form of this letter. Is it your assumption or opinion that Dr. Blome was also in charge of these other five items which are listed on page 154?

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MR. MCNAMEY: That is certainly the contention of the Prosecution, Your Honor. If Mr. Travis will pass me that exhibit; it is 120. The Reich Research Council, Your Honor, consisted of a number of so-called leading scientists in Germany who were working there and who had a research organization under them so to speak. It was a rather loose research organization; that is to say they might be dealing with a number of different scientists who had no relation one to the other. Now Kurt Blome was known as the Plenipotentiary for Cancer Research and was appointed to that position in the Reich Research Council, theoretically, by Hermann Goering. So that was his title; he was the Plenipotentiary for Cancer Research.

THE PRESIDENT: Does it appear who prepared these documents 120? Do they bear the signature of Kurt Blome?

MR. MCNAMEY: They do not, sir.

THE PRESIDENT: I notice at the head of this column it says: "Requested by;" And then "Schwarz, Seel, Rascher, Hirt, Von Borstell", and then below that "Cancer Research", worked on by: Blome," and the same on the next page.

MR. MCNAMEY: Well, sir, the best explanation of that is that this hand-written note up here, I am quite sure, was written on this document after it was captured. This is, in fact, a research card taken from the files of the Reich Research Council, a large number of which were captured. Now there is a hand-written note up on the left hand side of the translation which says: "taken out of the file after being requested," and although the translation doesn't show it, that is dated June 10, 1945, and it quite apparently refers to a request made by someone who was interested in picking up this particular research card and was pulled out, undoubtedly, by some

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German worker who was familiar with these files and who was retained after the end of the war. The card itself is a card which gives the research assignments under the Bearbeiter, who is Professor Dr. Blome. His name appears on the exhibit up here at the top and under here they describe the research assignments which are being carried out under the auspices of the Defendant Blome.

THE PRESIDENT: I would like to know the basis for that assumption.

MR. McRAEY: Well, sir, perhaps if I passed up this exhibit it would be a little clearer what I mean. I take this card to mean that all assignments on this sheet are under the Defendant Blome, since it carries the words: "Worked on by:" and then proceeds to list and describe research assignments under that.

DR. SAUTER: Mr. President --

THE PRESIDENT: Just a moment, Counsel, until we have had an opportunity to examine this exhibit. We will hear you in just a moment after we have had an opportunity to examine this exhibit.

(Examining document.)

THE PRESIDENT: The Tribunal will hear from Counsel.

DR. SAUTER: Mr. President, I would like to make a request to take a look at the photostats. It would make things easier for me because otherwise I will have to request the photostat through my office and it would be easier if I could see it now at this time.

THE PRESIDENT: Certainly.

DR. SAUTER: Thank you very much. I only wanted to see if this photostat bears any signature and that does not seem to be the case; there is no signature. Thank you very much.

MR. McRAEY: If your Honor please, of course the discussion goes to the weight to be given to this document. That is to say it is only of probative value and does of course not go to the admissibility. However, in connection with its probative value, I would like to ask clear again that this document was secured from the file at the trials in Frankfurt and it represents a file card listed under the name Kurt Blome; and the file card shows that Kurt Blome, as chief or Plenipotentiary for Cancer Research, had these research assignments under him as noted.

THE PRESIDENT: The exhibit will be admitted in evidence for what it is worth, subject to argument at any time.

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MR. McHANEY: We come now to Document 2428-PS which will be Prosecution Exhibit 122, and this is a deposition taken from one Leo Maklowsky by the War Crimes Branch at Dachau. It was taken immediately following the -- or at least shortly following the liberation of that camp by the American Forces. This is listed in the Document Book as a translation of Document 2423-PS which is a mistake because this is -- the original deposition taken in English, and the Court will notice that they swore in an interpreter before inducing the questioning of Leo Maklowsky. We had hoped to be able to bring Father Maklowsky here to testify because he is one of the few living survivors of the water-freezing experiments in Dachau. Unfortunately we have been unable to locate him, and so I offer instead this deposition.

If the Tribunal please, I am informed that they do not have that document ready to offer at this time, but it will be down shortly from the document room, so I will pass this and offer --

DR. FELCKMANN: May I request the Tribunal -- Attorney Felckmann for the Defendant Schaffr. May I request the Tribunal to have the English original of this testimony read to you. In the document room for the International Military Tribunal several days ago on the occasion of another testimony I have rechecked the signatures, and I have not been able to find any. I have only seen the note of the American official who was interrogating the witness to the effect that it was not possible for him to procure the witnesses because they have been absent in the meantime, and as a result of this no signatures could be procured. It is possible that this is the case also with this witness.

THE PRESIDENT: The document is not at this time in court. Discussion on the admissibility of the document will be reserved until the document is brought in.

MR. McHANEY: I move then to Document AG-538 which will be

Prosecution Exhibit 122. This is a portion of a diary kept by the Defendant Siemers. Exhibit 122 consists of the first six months of this diary, and it is a very interesting document on a great number of points. I would like to read at this time a few of the excerpts. We will have occasion to refer to this document at other points in the trial since it bears upon a number of

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different experiments. The entry of 12 January 1943 reads as follows:

" SS Hauptsturmführer Stabsarzt Dr. Rascher:

Item 1. (a) advises that he has been put in the reserve liable to recall at any time of the Luftwaffe.

(b) Necessary that he be given leave until his transfer.

(c) Instigation of necessary actions.

2. (a) Procurement of necessary apparatus and instruments from Holland.

(b) Instructions to SS Obersturmführer Dr. Schneider.

3. Procurement of memoranda on reaction of troops to extreme cold.

4. Discussion of the until now neglected results of the use of Gastein water. Continuation would not pay.

5. Procurement of memoranda on the conferences concerning the effects of cold in Wehrberg."

The next entry on the same date is:

"1. SS Untersturmführer Hermann, Dr. Walter of the Economic & Administrative Department concerning procurement of apparatus for Dr. Rascher's research."

The next entry reads: "Continuation of discussions with Hauptsturmführer Dr. Rascher." An entry on the 15 January 1943 is: "1. SS Hauptsturmführer Schnitzler: (a) Continuation of work by SS Hauptsturmführer Dr. Rascher."

Your Honors will recall that Schnitzler was an official at the Dachau Concentration Camp.

"16 January 1943. SS Hauptsturmführer Dr. Rascher reports on the results of his discussion with the Reichs arz-be."

Your Honors will recall that we have put in as an exhibit report of that discussion. On the next page of the English Document Book, that is, page 163, item 2 under 27 January 1943 reads: "Because the camp is temporarily closed, Dr. Rascher is to work with SS Hauptsturmführer Professor Dr. Pannasch, Harburg, and proceed to Strassburg." Under 28 January 1943, we find an item stating that "SS Hauptsturmführer Dr. Rascher. The General Inspector of Sanitation for the Luftwaffe has declared himself opposed to the continuation of Rascher's work. Attitude to be taken," and we have read into the record a letter from Sturmbannführer Dr. Brandt: Report on attitude of Professor Dr. Hippke toward Rascher's research work." Then: "Mrs. Rascher (by telephone): Advice on the report to Professor Dr. Hippke. 1 February 1943. Department of Sanitation of the Luftwaffe, SS Sturmbannführer Dr. Blumauer. Procurement of apparatus, instruments, tools and chemicals for experiments by SS Hauptsturmführer Dr. Rascher."

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I will call to the Court's attention that the Chief of the Department of Sanitation of the Waffen-SS was the Defendant Gansdon, and Blumenrother was one of his subordinates in that capacity. On 12 February 1943: "SS Hauptsturmführer Dr. Rascher reports by telephone on the successful outcome of negotiations with SS Obersturmbannführer Professor Dr. Pfannenstiel, Marburg." On 18 February 1943 concerning SS Hauptsturmführer Dr. Rascher: "1. Charged with execution of experiments with an available plant-extract to cure cancer.

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2. Position to be taken in the proceedings instituted against Rascher.
3. Transfer to Witten-SS. Rascher is also to write an application of his own.
4. Record of freezing experiments with animal heart."

And with respect to the Adjutant's Office, Reichsfuehrer SS:

- "1. SS-Hauptsturmfuehrer Schnitzler: Insertion of SS Court into proceedings instituted against SS Hauptsturmfuehrer Dr. Rascher by the Luftwaffe Court."

It comes from these entries which I have just read that Sievers for one was very much concerned that Rascher be court-martialed by the Luftwaffe as a result of this tug of war over his services. This, of course, did not, in fact, occur.

On the next page the entry for the 12 March 1943:

- " SS Hauptsturmfuehrer Dr. Rascher:
1. Transfer from the Luftwaffe to Witten-SS was approved today in accordance with verbal advice from Generaloberstabsarzt Professor Dr. Miopke.
2. Report on status of his work.
3. Serum production, in accordance with letter of 7 March."

And down at the bottom of the page on 5 April 1943 concerning SS Hauptsturmfuehrer Dr. Rascher:

- " 1. Hoff, who has again been declared eligible for military service, will have to be made a member of the police force.
2. Discussion of Miopke's letter to SS Obergruppenfuehrer Wolff.
3. Enrollment of SS Obersturmbannfuehrer Dr. Kuhn of the War Economic Board in the Reich Research Council in the procurement of secret."

And Item 3 under 6 April 1943 indicates that they were still at this time continuing certain low-pressure chamber experiments.

Item No. 10 says that "Assignment to the Reichsarzt Go does not alter attachment to and necessity of reporting to the Ahnenerbe."

Your Honors will recall that there finally was some difficulty between Rascher and Goebbels about to whom he was to report and as to whether or not he should continue to work under the auspices of the Ahnenerbe.

I drop down to an item under 7 April 1943, item 15:

- "Assignment of Dr. Rascher to Reichsarzt-SS. R." -- this is Rascher --

- "remaining under command of ... Ahnenerbe and must be transferred to it."

Down at the bottom of the page, 17 May 1943, item 5:

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" SS Hauptsturmbannführer Dr. Rascher (by telephone): Report
on discussion with SS Gruppenführer Professor Dr. Gebhardt."

Document 3546-PS is next and will be Prosecution Exhibit --

THE PRESIDENT: At this time the Court will recess for fifteen
minutes.

(A recess was taken.)

THE PRESIDENT: The Tribunal is now in session.

MR. SCHAFER: If the Tribunal please, we would now like to offer Document 3546-PS as Prosecution's Exhibit 123. This is the Sievers Diary for 1944. The Document which went in as Prosecution's Exhibit 122 was the Sievers Diary for the first six months of 1943, and unfortunately we have not found the remaining part of the diary for the last six months of 1943, but we do have here the full diary for the year 1944 and that is Prosecution's Exhibit 123. I would like to read just a very few excerpts from this document since it is now covering the year 1944. Those do not have many references to freezing problems. The first excerpt is from an entry made on 6 January, item 2 (c) where it states:

"Writing Reichsfuehrer-SS to SS Oberguppenfuehrer Pohl concerning support of scientific research work."

Item (d) is "Space for execution of freezing experiments."

And then we skip to an entry made on 14 January where we see the entry RFR which is an abbreviation for the Reich Research Council. The German word for Reich Research Council is Reichsforschungsrat. It states:

"RFR, among others, Engineer Becker re securing of apparatus for Bruecher and Dr. Rascher, SS Sturmbannfuehrer Tolling by telephone re malaria control, Auschwitz."

The next item is an entry made on 15 January. That again refers to the Reich Research Council, Dr. Brandt.

"(1) Securing of metals for Dr. Rascher's work.

(2) Authorization for building of experimentation plant by Borgers Brothers, A. G."

An entry on 21 January, item 8, reads:

"SS Oereturmbannfuehrer Ministry Council, Dr. Brandt." That is a reference to the Defendant Rudolf Brandt who was Minister Counsel of Interior under Heinrich Himmler. Item 8 reads:

"Freezing experiments, Dr. Rascher, premises, SS Oereturmbannfuehrer Berg and SS Hauptsturmbannfuehrer Meins, discussion of current matters,

among others Bygdoe, freezing experiments, Thaurigen."

And then I skip to an entry on page 171 of the English Document Book. An entry made on the 22nd of March which reads:

"SS Hauptsturmfuehrer Dr. Rascher: Business discussion, among other things polygal production. Results of experiments with agar capsules. Preparations for freezing experiments during the winter month 1944 and 45. Demand for prisoner command for Schlachters."

The reference to polygal production will become clear to the court at a later stage in the trial, and I think these are the only entries dealing with freezing experiments, but, as I have stated, we will make continued reference to these diaries of the Defendant Sievers which very very clearly points out that Sievers was connected with practically all of the criminal experiments with which this case is concerned. I would like to offer into evidence Document NO 647 which is not in Your Honors' Document Book, but we have translations here to hand up. This document has been made available to the Defendant's Information Center for the requisite twenty-four hours, and this will be Prosecution's Exhibit 124. I ask the court to insert it in the freezing document book which you now have before you. This is a memo made by the Defendant Sievers and dated 16 December 1942, and Your Honors will recall that a number of the freezing experiments took place, particularly dry freezing experiments, after the date here mentioned. The subject of this memorandum is "Cooperation with the Hygiene Institute of the Waffen-SS and Your Honors will remember that this institute was under the command of the Defendant Brugsowsky who in turn at this time was subordinate to the Defendant Guenther. The reorganization of the Medical Service of the SS occurred in August 1943, after the date of this instrument, and it was only on the occasion of the reorganization that the Hygiene Institute of the Waffen-SS was transferred to the deceased, Dr. Grawitz. The memorandum reads as follows:

"With reference to my letter of 9 June 1942, regarding vermin control, a meeting took place first on 21 October 1942, with the participa-

tion of SS Standartenfuhrer Dr. Krugowsky and SS Untersturmfuhrer Dr. Scharlau, Knesebeckstr., 43-44. Under discussion was the cooperation not only in the field of vermin control, but also in the research-sphere of Rascher and with regard to the use of Gastein water in cases of freezing, as well as in various operational fields of the Hygiene Institute, as had already been laid down in the interview with SS Untersturmfuhrer Dr. Scharlau on 6 November 1941 (K-Enterprise; release of the archeologist Hundt.

A further meeting took place then at the Hygiene Institute of the Raffen-SS on 20 November 1942 in which SS Standartenfuhrer Dr. Krugowsky, SS Standartenfuhrer Sielore and lecturer Dr. May took part. Dr. May promised on that occasion to send in his research plan."

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I would like to say at this meeting, first mentioned here on 21 October 1942, and at least from that date, the defendant Mrugowski was in contact with the defendant Sievers, and it was understood that the Hygiene Institute of the Waffen SS would cooperate with the deceased Doctor Rascher in his Dachau experiments. If you will also recall, one of the entries in Sievers diary, stated that they were securing apparatus from Doctor Blumenreiter who was a subordinate of defendant Karl Genzken, for the purpose of the Rascher experiments.

The second page of document No. 647 reads as follows:

"SS-Obersturmbannführer Dr. Mrugowsky of the Medical Office of the SS, Charlottenburg, Kassehestr. 43/44, is working on behalf of the Reich Eastern Ministry (Reichsministerium Ost) on fever mosquito control in the areas in the East occupied by us.

"The fever mosquito control in the Ukraine has been handled in peace time by the Tropical Institute in Moscow and several stations for that purpose have been established in the various districts. These control stations are now being re-organized in the various districts under the supervision of the SS.

"SS-Obersturmbannführer Dr. Mrugowsky is going down there within the next few days in order to determine where the control measures are most urgent. It is to be aimed at, that, at least the main road to Kiev and one of the great ore mines, where ore is being mined by us, are protected against malaria.

DR. FLEISCHER: I contest the authenticity of the document that was last read into evidence. On the second part of the document, 647 there is no date nor signature. On the photostatic copy in front of me there can be found neither a date nor a signature.

MR. McHANEY: If the Tribunal please, the observation made by the defense counsel for Mrugowsky is quite correct in so far as the second page of this document contains no signature. However, it seems apparent to me that both of these documents were found together. The original is certified as being located in the Berlin Document Center. The first page of the document is signed by the defendant Sievers, and I do not see that lack of a signature.

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on the second page necessarily shows that the document is not a genuine authentic copy of a document captured, of course, in military operations.

DR. FLEMING: I should like to ask that the counsel for the Prosecution submit a report regarding the capture of this document. As far as I can see from this photostatic copy, different typewriters were used in writing this document — No. 647. The type on the first and second page differ, as far as I can see. Therefore, it cannot be said that these documents belong together.

MR. McHANEY: May it please the Tribunal, in order to simplify the matter and to remove any ground for controversy, I suggest that we remove the second page of the document which we have offered as Prosecution's Exhibit 124, and simply put in the first page which is signed by the defendant Bievers, and which bears a date, and which there is not controversy about the authenticity. In this case you can simply remove from your Document Book the second page of the translation of Document No. 647, and if we care to investigate the source of this document, and then reintroduce it we can do so at a later date.

THE PRESIDENT: The second page of Prosecution's Exhibit 124 may be removed without prejudice to the page being offered at some later date. Exhibit 124 will consist of one page only.

MR. McHANEY: And, now, I would like to return to the deposition of Leo Michalowski, which is Document No. 2428-PS, page 159 of the English Document Book; and I now offer this as Prosecution's Exhibit 125. The defense counsel for Schaefer, I think, was about to make some objection to the introduction of this document. I think it is admissible on any one of a number of grounds.

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Firstly, I think the document is admissible because it was accepted into evidence before the International Military Tribunal as an exhibit by Great Britain. I am told by Mr. Hardy that this note is with the original document before Judge Sebring now.

Second, this deposition was contained in a report made by an official committee of the United States Army on the Concentration Camp Dachau. The Army set up a number of investigating committees which, after the capture

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of various concentration camps, immediately conducted very extensive investigations, making a great number of written statements from the inmates of these concentration camps, and this is such a document. In fact, it is simply one statement from a very voluminous report on the Dachau Concentration Camp, the whole of the report being 2428-PS.

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DR. PELCKMANN: Dr. Pelckmann, counsel for the defendant Schaefer. I should like to make some remarks on that matter. There is something which I found out in connection with the investigation of this document. The counsel for the prosecution does not contest that the document bears no signature. This document, IS-2428, consist of three volumes. At the end of Volume 3 the man in charge of the investigation states that a number of witnesses, who allegedly had made statements, were not to be reached and that, therefore, they could not sign their statements. Among those people is this testimony of the father, which was submitted here. If this document were to be admitted because of other reasons, namely, because it is part of a report of the American Army or other American authorities, then the entire report would have to be submitted.

However, I doubt that the Tribunal will recognize this report as an official report in the sense of the Charter if it takes into consideration that the biggest number of the statement on which this report is based bear no signature whatsoever. In addition, I don't believe that this is a report which can be considered to be a report of the Government authority in the sense of the Charter. It is merely an investigation of the Investigation Committee which had put this report on in three volumes.

MR. PELCKMANN: If the Tribunal please, I observe once more that this document which is now being offered was introduced before the I.M.T.: and under Article 9 of Ordinance Number 7, this Court shall take judicial notice of official Government documents and reports of the United Nations, including the acts and documents of the committees set up in the various Allied countries for the investigation of war crimes and the record and findings of military or other tribunals of any of the United Nations.

The document now before the Court is part of the records of the International Military Tribunal and is clearly admissible under Article 9. Moreover, the document now before the Court is signed by Captain L. Walker, Clyde L. Walker, an investigator-commander; and while this copy is apparently not signed by the deponent Michalowski, certainly in any event this document is admissible.

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DR. PEICKMAN: I contest that the document was submitted in its entirety before the International Military Tribunal. I want to ask the counsel for the prosecution when this document was submitted in its entirety. According to my recollection, only excerpts from this document were submitted. I merely wish to point out that at the end of this particular statement it can be seen very clearly that there is not signature of the witness available; and I should again like to ask the Tribunal to refer to Volume 3, where the investigating official himself states that he could not obtain signatures.

MR. McHANEY: I should like to say that it is certainly true that this full document was not introduced, at least in its English version before the I.M.T. That was done for the reason that they were not interested in the full statement of Michalowski. Therefore, they introduced excerpts from this statement; but clearly if the excerpts were admissible, the statement as a whole is admissible. And as for putting in all of 2428-PS, it is, of course, a ridiculous assertion because it is a very large volume of documents; and we for one are interested in none of them except this one.

I can't believe that the defense counsel for Schaefer is interested in any of the rest of them, either. As a matter of fact, this document, as far as I can see, does not run against the defendant Schaefer. Therefore, I can't quite understand the great controversy being raised about the admissibility of this document on the part of his counsel.

DR. PEICKMAN: With reference to my last formal objection, I have come forward to reply. The defendant Schaefer is also charged with conspiracy; and this extends to all facts. The other assertion of counsel for prosecution, namely, that because excerpts were admitted into the I.M.T. thereby a sanction is made for this Tribunal I believe is a completely incorrect statement. If this High Tribunal should find that admission of evidence to the I.M.T. had been carried out erroneously; that judicial procedure had not been carried out, then I believe that this Tribunal has a perfect right to say and has a perfect right to state that it would not admit this document.

THE PRESIDENT: The fact that from the statements before the Tribunal this Document was admitted in evidence before the International Military

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Tribunal is not necessarily binding. It may have been admitted without objection as far as this Tribunal knows.

The objection of counsel for the defense to the offer of this document will be sustained without prejudice to its being offered again if other supporting evidence may be procured.

MR. McLENNAN: This completes the presentation of documentary evidence on the freezing experiments conducted at Dachau; and Mr. Hardy will continue now with the introduction of testimony and proof on the malaria Experiments.

MR. HARDY: May it please the Tribunal, the prosecution charges in the indictment the defendants Karl Brandt, Handloser, Rostock, Gebhardt, Blome, Rudolf Brandt, Brugowsky, Poppendick, and Sievers, in Count Two, Paragraph 6, Sub-paragraph C, and in Count Three, Paragraph 11, with special responsibility for and participation in the malaria experiments.

As will be shown in the course of this presentation, these experiments were also conducted at the Dachau Concentration Camp; and in this connection a Military Government Court of the United States of America sentenced Karl Schilling to death by hanging in the case of the United States versus Weiss, Ruppert, et al.

At this time the prosecution respectfully requests that the Honorable Tribunal call the witness August Heinrich Vieweg to the witness stand. Due notice has been filed with the office of the Secretary General; and the defense counsel have been duly notified that this witness has been summoned to appear before this Tribunal to testify to facts concerning the experiments at the Dachau Concentration Camp.

THE PRESIDENT: The witness will take the stand. Mr. Prosecutor?

MR. HARDY: Yes, sir.

THE PRESIDENT: Is this man a German national?

MR. HARDY: This man is a German national, yes sir.

FRANZ RISTEG, a witness, took the stand and testified as follows:

THE PRESIDENT: Witness, you will stand at your place in the witness box, hold up your right hand, and be sworn. Repeat after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and withhold and add nothing.

(The witness repeated the oath.) 390

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THE PRESIDENT: Proceed.

DIRECT EXAMINATION

BY MR. HARDY:

Q Witness, what is your full name?

A Franz Rietweg

Q Witness, when and where were you born?

A I was born in Lucern on the 10th of April, 1907.

Q What is your occupation?

A I am a physician.

Q Witness, will you kindly tell the Tribunal where your present place of abode is?

A At the moment I am in prison in an internment camp in Hango-borg.

Q Will you kindly tell the Tribunal for what reason you are a prisoner in the internment camp?

A I was an Obersturmbannfuhrer in the Waffen SS.

Q When were you at Dachau -?

MR HARDY: Pardon me, your Honor, this witness is apparently the wrong witness.

Q Would you kindly repeat your full name again, please?

A Rietweg.

Q How do you spell that, Dr. Witness?

A R-i-e-t-w-e-g.

MR HARDY: I'm sorry, your Honor, the Marshall has called up the wrong witness as Vieweg. I have called up August Heinrich Vieweg.

THE PRESIDENT: The witness will stand aside.

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MR. HARDY: If Your Honors please, I will proceed with the presentation of the malaria experiments and when the witness arrives, we can use him at that time.

THE PRESIDENT: You may go ahead.

MR. HARDY: At this time, Your Honors, the Prosecution respectfully requests the Tribunal to take judicial notice of the official review of the proceedings in the Dachau trial, under Ordinance 7, Article 9. In accordance with the rules of the Tribunal I shall introduce the entire findings of fact contained in the official review of the trial with respect to malaria experiments. These particular facts have been given Document No. 856, and have been translated into the German language and made available to the defense counsel. This document is also offered as Prosecution Exhibit No. 125. I shall read from the document. This is contained on page 1 of Your Honors' Document Book. Do you have the malaria documents with you?

THE PRESIDENT: No, I have not seen them.

MR. HARDY: They were delivered two days ago to the General Secretary.

THE PRESIDENT: They have not reached the Tribunal.

MR. HARDY: Your Honors, I suggest that we send the General Secretary after the copies. They should be in the General Secretary's office.

(The documents are procured)

MR. HARDY: I shall proceed to read Document No. 856, "EXTRACTS FROM THE REVIEW OF PROCEEDINGS OF THE GENERAL MILITARY COURT IN THE CASE OF UNITED STATES VS. WEISS, RUPPERT, ET AL, HELD AT DACHAU, GERMANY."

HEADQUARTERS
THIRD US ARMY AND EASTERN MILITARY DISTRICT
Office of Judge Advocate.

REVIEW OF PROCEEDINGS OF GENERAL MILITARY COURT IN THE CASE OF UNITED STATES VS. WEISS, RUPPERT," and I will not read

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the rest of the names.

"TO: Commanding General, Third United States Army and Eastern Military District, APO 403, United States Army."

Now, if Your Honors will please turn to page 2, paragraph 2:

"Series of experiments concerning the treatment of malaria were conducted under the supervision of the accused, Dr. Schilling. 300 to 400 persons died as a result. The facts elicited with respect to these experiments are set out in detail infra in connection with Dr. Schilling."

We now proceed to Section "C" of the Review, Paragraph 15, which concerns the facts against the individual defendant, Dr. Klaus Karl Schilling.

THE PRESIDENT: What exhibit number did you assign to this exhibit?

MR. HARDY: I assigned the number 125.

THE PRESIDENT: This exhibit is a review by the reviewing authorities of the findings?

MR. HARDY: It is by the reviewing authorities on the findings in the trial held at Dachau, Germany, in the case of United States vs. Weiss, Ruppert, et al.

THE PRESIDENT: Does this exhibit contain the findings of the Court?

MR. HARDY: This exhibit contains the findings of the Court at the end and this is an official review of the trial and the only publication as a result of the trial.

THE PRESIDENT: It contains the findings then which are merely quotations from the sentences of the Court?

MR. HARDY: If you will turn to page 8 in Your Honors' Document Book, second paragraph, there is stated the Court's sentences in this particular case, in regard to Schilling, and then it is affirmed by the Reviewing Authorities, after

having been sent on to be reviewed, and signed by Lieutenant General, L. E. Truscott.

THE PRESIDENT: Does this also contain what you perceive to be pertinent documents and documents upon which the sentences were based or not?

MR. HARDY: This contains, Your Honors, the facts introduced from the arguments of the Prosecution, as well as the Defense, and then the statement of the Reviewing Authorities of the Court:

THE PRESIDENT: Now as I understand it, you are asking this Tribunal to take judicial notice of the entire proceedings which culminated in this judgment, is that correct?

MR. HARDY: I am asking the Court to take judicial notice of the particular section pertaining to the malaria experiments in the case of Dr. Schilling at this time.

THE PRESIDENT: Is the testimony upon which these findings were based available so that this Tribunal will have the opportunity, if it cares to do so, to examine this testimony?

MR. HARDY: Yes, that testimony can be made available, Your Honors. There are limited copies on file with the Judge Advocate in Weisbaden, and I am certain I can produce copies for Your Honors' consideration.

THE PRESIDENT: I suggest you give consideration to that. As I understand it, this is not a copy directly of the findings of the court-martial or military commission or whatever it was that tried the defendant, but it is a copy of the action of the reviewing authorities upon those findings?

MR. HARDY: That is correct, Your Honor.

THE PRESIDENT: It may be admitted, taken in view of the statement of the Prosecution that the evidence upon which the judgment of the Court was based, may be made available.

MR. HARDY: I shall proceed on page 2, Your Honors, of the document book, the last paragraph, entitled paragraph 15:

"15. Dr. Klaus Karl Schilling. A special experimental station had been set aside in the hospital for the performance of malaria experiments under the supervision of the accused, Dr. Schilling. Schilling performed his research for the purpose of determining immunization for and treatment of malaria. Requests for prisoners were made by Schilling. One such request, which was admitted into evidence, stated that Polish prisoners were requested. A list of inmates was prepared in the camp physician's office, the inmates being of all nationalities which were represented in the camp, and was sent to the labor office which made a copy of the list. There the list was confirmed by the Schutzhaftlagerführer" - that is the SS Camp Commandant- "who sometimes made a few changes in the list. These lists appeared about once every month since about 1943. None of the 1200 selections ever consented or volunteered. Priests were often selected for these experiments. An inmate, a priest named Father Koch, related his experience in that connection. He was first X-rayed and then sent to the malaria station. He was put into a little room where he received a box with mosquitoes which he had to hold in his hands for about half an hour. That occurred every day for one week. Every afternoon another box of mosquitoes was put in between his legs while he was in bed. Each morning a blood smear was taken from his ear and his temperature was measured each day and night.

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"He was given quinine. In about 17 days he left the hospital. After being released from the hospital he had to report back every Saturday. Eight months later he had an attack of malaria, which recurred, precisely every three weeks for six months. The symptoms he felt were high fever, chills and pains in the joints. Koch did not volunteer for the experiments, nor did the other prisoners who were mostly Poles and Russians, who underwent the treatment with him.

"The prisoners were infected with malaria by the injections of mosquitoes themselves or the injections of extracts of the mucus glands of the mosquitoes. After having contracted malaria, the prisoners were treated in different ways. Some, as Father Koch, were given quinine. Others were given neo-salvarsan, pyramido-antipyrin, a drug numbered 92516, and several combinations of these. Some people died as a result of these experiments. Schilling was present when autopsies were performed on some of these persons. It never anyone died who had been infected with malaria, a report of that death was made to the accused Schilling and the chief doctor. Some of the victims died from the intoxication of neo-salvarsan and pyramidon, for many individuals could not withstand large doses of these drugs. From the autopsy it could be determined that a patient died of neo-salvarsan since the reactions were similar to arsenic. In the beginning of 1944 three deaths resulted from the use of pyramidon. These people were brought directly from the malaria ward to the autopsy room. Two young Russian boys who were transferred from the malaria ward to the general medical ward died within a day after their arrival because of overdoses of pyramidon. They had been sent to the general ward so that the official cause of death which would be stated would not be malaria. Pyramidon has toxic influence on the blood corpuscles which causes them to disintegrate. Malaria was the direct cause of thirty deaths and, as a result of complications, 300 to 400 more died. People who had died directly from malaria, had come straight from the malaria ward, while the 300 to 400 others had undergone the malaria experiment. These people who had been subjected to malaria may later have died of tuberculosis, pneumonia, or dysentery. Some of the patients whom Dr. Schilling used had had tuberculosis before undergoing the experiments.

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Fever type diseases have adverse effects on tuberculosis. An index of the malaria diseased people was kept in the hospital office.

"Schilling received various visitors such as Dr. Rabbit, who was a Reich SS physician at Oranienburg.

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"A pre-trial affidavit of the accused Schilling executed in his own handwriting on 30 October 1945 before 2nd Lieutenant Werner Conn was admitted into evidence. This statement reads in pertinent part and in translation as follows:

"My name is Professor Dr. Klaus Schilling. I have already worked on tropical diseases for 45 years. I came to the experimental station in Dachau in February 1942. I judge that I inoculated between 900 and 1,000 prisoners. These were mostly inoculated for protection. These people, however, were not volunteers. The inmates whom I gave protective inoculations were not examined by me but by the present camp doctor. Before the inoculation there was usually an observation of several days. The last camp doctor was Dr. Hintormair. As well as I can remember, in three years there were 49 patients who died outside the malaria station. The patients were always released by me as cured only after one year.

"As remedy I used quinine, stoberine, and neo-salvarsan. I know for sure of six cases where I used pyrazinon tablets to hold down the fever".

I turn now to Section V of the Review of Trial, which is "Evidence for the Defense", paragraph 15, in reference to Dr. Kurt Klaus Schilling:

"The accused Doctor Schilling elected to testify and made the following unsworn statement: He was 74 years old, married, had one son, and was a physician. He had specialized in tropical diseases, particularly malaria, since 1898. Dr. Schilling studied under Professor Koch of Berlin, and graduated from Munich as a physician in 1904. He did research work in Africa on malaria, sleeping sickness, and tsetse fly diseases. Dr. Schilling worked for the Rockefeller Foundation in Berlin, receiving a grant in 1915 for the study of various diseases and for a trip to Japan. In 1917, in Italy, Dr. Schilling met Dr. Conti, the Reich physician leader, who invited him to see Hitler. Schilling went to Berlin and received the order for him to continue his studies at Dachau. Schilling had selected Dachau because it was near his birthplace. The question of using prisoners for experiments was not discussed. In January 1942 Schilling went to Dachau. Schilling only accepted this commission at Dachau because the League of Nations, in which he was a member, told him of the importance of curing the most prevalent known cause of malaria. He believed it was his duty to humanity. He never became a member of the SS or the Nazi Party. He was a 'free

"Dr. Schilling infected thousands of prisoners with malaria 'Benign Tertian' which is not fatal. The purpose for this was to find a vaccination against malaria, and today there is no vaccination against malaria except the one discovered by Schilling. Dr. Schilling used mosquitoes and blood transfusions to infect the patients and received patients already infected. The patients were divided into groups and were constantly watched, one group for the purpose of keeping up the strain and another for immunization purposes. The latter were injected repeatedly to keep up their immunity. Schilling reinfected about 400 to 500 patients and used quinine, atabrine, and neo-salvarsan, and a dye number 2516, which made the patients immune. To prove this, he had to test by infecting them again.

"Dr. Schilling could not work with animals because they are not receptive to malaria, and men are used throughout the world. He assumed that Admiral Stipp and Mark Boyd, two malaria authorities, used humans in their experiments. Infected malaria has been used to cure paralysis.

"Only about four or five of the patients refused to be immunized, but they consented after Schilling explained the importance of the work. The selections of the patients were made as follows: Berlin allowed him thirty patients a month and he would request them through the camp physician from the commandant who contacted the lower leader. The latter selected healthy prisoners and Schilling's assistants chose the final names and sent them to Berlin, where the selection was approved. These patients were carefully inspected and could not be refused by Schilling by order of Eberle.

"The doses of neo-salvarsan were 1.54 grams and at no time failed. He used pyrexin to lower the body temperature although the drug has a bad effect on the blood corpuscles. He used this drug only in fifteen cases and found that two were not harmful. This was important so the body could react without fever. Nobody died from pyrexin. Malaria has been used to cure syphilis, and neo-salvarsan can destroy parasites in a fever.

"Dr. Schilling never dealt with Dr. Blahn on any suspicion involving neo-salvarsan poisoning. Discharged patients were told to report back if they felt sick. Periodic checks were made of them and any patient was received back if there were signs of relapse. If Schilling were asked to resume his work, he would do so voluntarily.

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"Dr. Schilling was withdrawn as a witness at this point, but resumed the stand later and testified as follows: In death through neo-salvarsan all organs are affected. Blood cells may die, but nothing like this happened in his cases. It is impossible to determine death by malaria by a mere autopsy without a microscope, especially where there may be other complications. Pyramidon is rarely the cause of death.

"Out of the 100 people infected by Dr. Schilling with malaria, not a single one of them died of uncomplicated malaria.

"Weight of the patients during experiments increased. Additional food was given and people suffering from contagious disease would be isolated. Dr. Schilling never stated the wrong cause of death.

Dr. Schilling stated he did not experiment on himself because he had had malaria in 1935 and man like him cannot be reinfected in most cases, although malaria is a recurring disease. If there is chronic malaria, the heart muscles will suffer as in all chronic diseases. Malaria will increase the watery substance in the blood and the brain will suffer under chronic malaria. Chronic malaria will weaken the body because it susceptible to other diseases and one may die of another disease while having malaria.

Schilling had 33 doctors helping him and examined all patients personally and supervised the records. Schilling recognized Prosecution's Exhibit No. 131, which stated that nineteen cases were treated with pyramidon, three of whom died. He declared these patients were suffering from typhus and were removed from the ward.

"Although there was a typhus epidemic in November 1944 and he knew that people were dying, he continued his experiments. Everyone who was inoculated remained at the station. One patient was injected three times and later died of typhus. He was given neo-salvarsan, atabrine, and quinine.

"Pyramidon doses of three grams per day for five successive days were given. Dr. Blaha did not inform Schilling of the deaths due to pyramidon poisoning. If Schilling had been notified he would have stopped the experiment. An Italian named Calveroni was infected with blood and might have gotten typhus.

"If a man is suffering from malnutrition, a big dose of neo-salvarsan is not advisable. If it would save his life, Schilling would give it to him. It depended on the physical condition of the man and of what he was suffering; yet, Schilling gave the drug to Father Wicki who only weighed 50 kilos, but Schilling says that Wicki was not a severe case." — A kilo is approximately two pounds.—Schilling gave three grams of neo-salvarsan in five days, which was the largest dose he ever gave over that period of time. He does not remember giving drugs to sufferers of dysentery.

"Schilling did not remember specific cases where he did not use caution. He recalled the priest Stachowski who died, but doesn't remember that he died from neo-salvarsan.

"Dr. Schilling was not under the control of the SS. He heard rumors about beatings, but did not concern himself with 'things that were not my business'. All his records had been burned. Schilling denied all accusations against him other than what he admitted as a part of his duty. He declared that his work was unfinished and that the court should do what it could to help him finish his experiments for the benefit of science and to rehabilitate himself."

"Mrs. Hubner, who knew Professor Schilling for thirty years, stated that she often saw him in Italy and in Germany and has known him to be of good reputation and of good veracity. He told her his only aim was to cure malaria. She believed his intentions at Dachau were good.

"Frau Durck, the wife of a university professor of the anatomical pathology who was interested in malaria research, knew Professor Schilling since 1924. Schilling was always regarded in his field as a

serious scientist. She knew what he was doing at Dachau, but her husband would not have done it.

"Dr. Eisenberger, a lawyer for 52 years, knew Dr. Schilling for 30 years. He considered Schilling highly respectable and reliable, and said Schilling was seeking to benefit science and would never do anything wrong.

"Heinrich Storr, a male nurse at Dachau, testified it was known that Schilling worked on orders from Himmler. The camp's physician and Schilling's assistants examined the patients prior to the experimentation. Dr. Brachtel, an SS doctor and assistant to Schilling also performed atabrine experiments. If a patient had a relapse from malaria, he was treated by Dr. Schilling. Others were given quinine by some of the hospital staff.

"Max Kronenfelder worked in the malaria station under Schilling from February 1941 to June 1943. He knew about a Dr. Brachtel who also made private experiments on malaria without the knowledge of Dr. Schilling. Kronenfelder took blood smears and performed minor details such as cleaning up. Brachtel experimented with patients who had tuberculosis, being helped by a man named Adam. Adam was often in the morgue with Dr. Blaha.

"Father Rupiper had been subject to the malaria experiment in August 1942. Other priests who were also subjected were Peter Bower, Gustav Spitzack, Anton Burkhardt, Fritz Keller and Kasinakar Gaslax Rikofsky."

So now turn to Section VI, which is Prosecution Rebuttal Evidence, paragraph 15, referring to Klaus Karl Schilling.

"Since none of Dr. Schilling's patients died, there were orders to report that fact to the malaria station, even though the man had died in another section of the hospital. Toward the end of 1942, Professor Schilling was personally present at the autopsy of a man who died of neosalvarsan and he requested the brain, liver, kidneys, spleen and a piece of stomach. In that case, Dr. Schilling dictated part of the findings

with respect to the cause of death. When the first three patients died from pyramiden in February 1945, a member from the malaria station and Dr. Hintersmeyer were present. Dr. Blaha stated that in his experience as a physician, the average patient could receive 3.3 pyramiden a day, and that the largest dose would be 2 grams per day, but that of course assumed that the individual was healthy and strong. In Dr. Blaha's judgment, the prison inmates could not be given more than one and a half to two grams for a few days. If those people were to receive three grams per day for three successive days, signs of poisoning would be revealed.

"Dr. Blaha stated that an autopsy revealed that death from pyramiden was the result of sudden suffocation, which was not true in the case of typhus. Death from typhus could be determined by certain inflections without a microscope.

"Dr. Blaha explained that the ordinary Midec tablet contained .3 pyramiden and that it is sold over the open counter. If taken in moderate doses, it will not have any ill effects.

"A leaflet of I. G. Farben, Indiana, which held the neo-salvarsan, contained the following instructions: 'In between the individual injections, spaces of time should be permitted to elapse, from three to several days'. These were instructions for syphilis. In paragraph five in the leaflet it read in part, 'Such caution in the use of neo-salvarsan is recommended for undernourished and severe anemic patients, tuberculosis, diseases of the lungs, heart, kidneys, liver and intestines'."

We turn now to Section X of the review: Merits and Defense, Paragraph 15, Dr. Klaus Karl Schilling.

"Dr. Schilling, at the call of Himmler, began conducting his malaria experiments at Dachau in February 1942. He continued these experiments until liberation of the camp. It was undisputed that the inmates upon whom Dr. Schilling used in his work were not volunteers. Dr. Schilling's research was performed for the purpose of determining immunization for and treatment of malaria. His requests for inmates were made about every month. These lists were prepared in the camp physician's

office and then sent to the camp commander and labor office. About 1200 selectees were thus chosen for subjection. Many of them were priests. The number of people who died from the malaria or from drugs such as pyramidon or neo-salvarsan is not known. Certainly some died. It is reasonable to infer that the deaths of many of the inmates from tuberculosis, dysentery, typhus, and other diseases were caused in part by the fact that those people had been subject to malaria. Although Dr. Schilling's motive may have been simply and purely a scientific one, his activities exemplified the Nazi scheme which existed at Dachau. The part he played in that scheme is clear."

Section XIV, Sentences.

"In many respects, the accused Schilling was the most reprehensible. He voluntarily came to Dachau fully cognizant of the nature of the work he intended to perform. Being educated and learned person that he was, Schilling undoubtedly must have realized the manner in which his work suited the needs of the Nazis. Although his personal motives may have stemmed from his desire to aid humanity, he permitted himself to utilize Nazi methods in contrast to other eminent German artists and scientists who either fled or refused to make themselves a part of the Nazi system. It is believed that the sentence of the court, who was aware of Schilling's position in the scientific world, should be approved."

Section XVI, Actions.

"A form of action designed to carry the foregoing recommendations into effect, should they meet with your approval, is submitted herewith.
Charles E. Cheever, Colonel, Staff Judge Advocate."

And the last page, which I will not read, is a confirmation of the Sentences by Lieutenant General L. K. Truscott, Jr., U. S. Army, Commanding.

I call to the attention of the Tribunal that the Dachau Board found as a fact that Dr. Schilling received his commission "to carry out his criminal experiments from the Reichsfuehrer-SS, Heinrich Himmler. As is shown in all fields of this fiendish experimental program in Nazi Germany, the defendants charged with malaria experiments likewise had full

knowledge of Schilling's work, as he reported to them, conferred with them, received vital materials from them, and in some instances, they actively collaborated with the deceased Dr. Schilling.

At this time, I present to the Court, Document No. ND-721 which is offered as Prosecution Exhibit No. 126. This is a memorandum signed by the defendant Sievers. It reads as follows:

"Memorandum.

"Re: Consultation with Dr. May at Munich on 1 April 1942.

"1. A doctor and zoologist, Dr. Hilt, is at disposal.

"2. An entomologist, Dr. Braun.

"Both, however, are not presently employed in their specialities with the Wehrmacht, and would have to be assigned or released.

"3. Of the objects offered, the most favorable to date is a farmhouse at Holzkirchen. It is situated in the immediate vicinity of the railroad station near the Autobahn. The price is 75,000 Reichmark. It would have to be rebuilt for our purposes. To date, it has been used for the housing of soldiers. The Wehrmacht is interested in buying it in order, possibly, to use it as a food-stuffs factory. The fact that there are a sufficient number of living quarters speaks well for Holzkirchen.

"4. In this connection, I am wondering whether the experiments could not be started most quickly if the required space were provided at the Camp Dachau. The excellent medical arrangements there could be used for the examinations and furthermore the experiments would be considerably easier if observations could be made on prisoners.

"Another matter in favor of Dachau is the fact that Professor Schlink is carrying out his anopheles examinations there with regard to tropical malaria."—Professor Schlink is a name similar to that of S Schilling.

"5. At present, an extensive program is being prepared in Greece for the combatting of anopheles larvae. The luftwaffe is participating with the Air Defense Unit which is providing airplanes. The combatting is being

carried out with arsenic preparations. The program is in the hands of Special Leader Dr. Dauberschmidt. The East Ministry has manifested its interest. It would be necessary that we join in by sending Dr. Hey. Service Pass and Travel Permit are requested.

"Signature: Sievers SS Obersturmbannfuhrer."

It is obvious from this document, Wolfram Sievers at this point on 1 April 1942 or thereabouts was familiar with the work of Dr. Schilling at Dachau. This letter is a proposal for further experiments which are to be planned, which obviously shows that the distinguished Wolfram Sievers, in his capacity as Reich Manager of the Ahnenerbe, had his finger in all these pies.

In order to substantiate the position of the defendant Sievers and his cultural society, the Ahnenerbe, I will now ask the Tribunal to turn to Document NO. ---

THE PRESIDENT: At this time, the Tribunal will have a recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 13 December 1946.)

MR. HARDY: May it please the Tribunal, in order to substantiate the position of the defendant Sievers and his concern with the Ammerbo, I now ask the Tribunal to turn to page 12 in the Document Book, which is Doc. 3545-PS which has been previously introduced by Mr. McNaney as exhibit 123. I have put this document in the Document Book for the convenience of the Tribunal, the translation into English.

We will turn to page 14 of the Document Book under "22 February, 1330 hours to 1500 hours, Article 2, "Conference with Dr. Habil. Ed. May, b) Collaboration with Dr. Floetner and Prof. Schilling."

THE TRIBUNAL (Judge Sebring) Just a moment, sir. I haven't located it. Will you repeat that again, sir.

MR. HARDY: Under date of 22 February, page 14.

THE TRIBUNAL: (Judge Sebring) Name the page.

MR. HARDY: 14 of your Honor's Document Book. At the bottom of the page under the date of 22 February - two lines up from the bottom, number 2, "Conference with Dr. Habil. Ed. May, b) Collaboration with Dr. Floetner and Prof. Schilling."... Floetner is one of the doctors who assisted Schilling in his work at Dachau. Now turn to page 19 of your Honor's Document Book. Under the date of 31 May we see "SS Hauptsturmfuehrer Dr. Floetner. 1. Decree of Reichsarzt SS concerning collaboration with Prof. Schilling."... Which indicates that not only Hitler personally was interested in Schilling's works, but here Dr. Grawitz decrees that all shall collaborate with Prof. Schilling. Turn to the next page - top of the page. "3. Visit to Prof. Schilling: Discussion about limiting SS Hauptsturmfuehrer Floetner's activities after his transfer to the AE"... Which is presumably Ammerbo. That is all the mention that is made to malaria experiments in Sievers' diary in 1944 and these important bits of evidence will establish Sievers' position in many murders of hundreds in experiments at Dachau.

A few days ago Prosecution pointed out the TVEA - that is Economic and Administrative Division under Oswald Pohl - also played a leading roll in this experimental plant in that they supplied fortunate victims placed at the disposal of various physicians and scientists conducting experiments at various concentration camps.

I now introduce document NO-065 which is an affidavit of Oswald Pohl and is offered in evidence as exhibit 127.

THE TRIBUNAL: (Judge Sebring) On what page is that?

MR. HARDY: That is page 26 of your Honor's Document Book. This affidavit refers to several experiments which we will deal with its presentation. At this time I will read the affidavit.

"Medical Experiments

General

Medical experiments were conducted by order of Himmler. Representatives

of the medical profession who knew how to sell him a medical problem as extremely important or had good friends to intervene for them,"...

DR. KARL HOFFMANN: (Counsel for the defendant Pokorny) Mr. President, I object to the reading of this affidavit as far as it has to do with my client. My client is mentioned in so far as experiments of Madaus are concerned. Pohl is here in the Nurnberg prison and is available at all times for testimony. His testimony on the subject of the experiments which concern my client is so unclear that I would like to cross examine him under all circumstances. I, therefore, request that this document be not read.

MR. HOLMES: If the Tribunal please, I would like very vigorously to object to his motion to exclude the affidavit secured from Oswald Pohl. In the first place Ordinance No. 7 clearly provides that affidavits are permissible before this Tribunal and the availability of the witness is not set up as a rule for determination of it. It is true that Pohl is now in the Nurnberg jail. However, this man will be indicted and tried in this same Court. Prosecution does not wish to call him as a witness. If the Defense Attorney wishes to call Pohl for cross examination to the extent he desires regarding the statement made hereby shown, that is his privilege. We may at a later stage of the trial bring Pohl to the stand to testify on other matters of a more general nature than set forth in this affidavit. However, we are not prepared to call him at this time and I would request the over-rule of this objection on the grounds of his availability here.

They can call Pohl for cross examination if they so wish as to any statement made in the affidavit but I do not see that runs against the admissibility of our document.

DR. KARL HOFFMAN: (Counsel for the defendant Pokorny): Mr. President, if Pohl is available at another time then I will take back my motion.

MR. McHANEY: If the Tribunal please I do not wish to be understood as making any hard and fast commitment that we will or will not call Pohl as a witness for the Prosecution. We may do so but we have not finally decided that matter. Any way the witness Pohl will be available for cross examination as to any matter contained in this affidavit at any time and if we do not call him then, of course, the Defense Attorney for the defendant Pokorny may avail himself of the right to call Pohl to the stand.

DR. KARL HOFFMAN (Counsel for the defendant Pokorny): Mr. President, it will depend on the testimony of Pohl whether it can be ascertained that experiments were made with the medicament which is charged to my client or not. You will find in the document that Pohl does not express himself clearly. Thus I shall need Pohl in any circumstances and I shall take back my motion only if I have the right to call him as a witness at a later date.

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THE PRESIDENT : The objection to the admission of the affidavit at this time is overruled. It will be understood, according to the statement by the Prosecution, that Pohl will be available to be called as a witness by the defendant.

MR. HARDY : I shall read the affidavit :

" General. Medical experiments were conducted by order of Himmler. Representatives of the medical profession who knew how to sell him a medical problem as extremely important or who had good friends to intervene for them, could easily arouse his interest, though Himmler himself did not possess any more medical knowledge than any educated layman. He had, however, an ample opportunity to talk about these problems with the doctors on his staff and in his immediate environment, and he probably did so. (Grawitz, Gebhardt, Brandt, Conti and others).

" When he was interested in a project he did all within his power to aid the medical man and kept in close contact with the problems and personally watched the progress of the project.

" When prisoners were provided for an experiment, the order usually was sent to the Inspection department, later also to me. But I don't think it impossible that, in addition to the above, orders were sent directly to the camp commanders, otherwise I would have known of more experiments than those described below.

" After I protested in 1944 against the delivery of prisoners for this purpose as this prevented their use for work, Himmler made Grawitz his representative for the execution of medical experiments.

" From this time on it was Grawitz' duty to supervise all the experiments ordered by Himmler and to report about them, but this does not mean that Himmler reduced his personal participation.

" Special. The following experiments became known to me in the period from April 1942 until the end of 1944, the time when the Inspection department belonged to the WVHA.

" 1. Schilling : These projects are probably known for quite a while through the trial of Schilling. During one of my visits in Dachau, Schilling whom I had not known before, had shown me his establishment and told me all

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sorts of things about malaria and malaria mosquitoes. I think this was the largest experiment. It was also on this occasion that I decided to send my protest to Himmler, because Schilling continuously asked for prisoners. I can not say the exact number that were sent to him.

" 2. Rascher ; I became aware of these experiments through the written orders of Himmler to me. The prisoners were sent to Dachau. The experiments also took place there. On the occasion of one of his visits to Munich, Himmler took me with him to watch one of these experiments.

He saw an airplane cockpit and eventually a prisoner sat in it. Then the cockpit was put under the diminished air pressure and Rascher observed this through a glass window. Afterwards the person experimented upon was brought to Rascher's study where he was asked questions by Rascher. The prisoner answered those first questions as if in a stupor until after a certain time his full senses of perception were restored. I did not see any other experiments of Rascher. Neither did I select the prostitutes for his cooling experiments. They probably came from Ravensbruck.

" 3. Kleiberg (or Glauberg). I met him at a dinner in the Fuehrerhaus in Auschwitz. He was introduced to me, but I did not speak with him about his experiments. I was not present at the organization of his experiments, but I had heard previously from Gluecks that Kleiberg was working on sterilization."

Gluecks was a subordinate of Oswald Pohl.

" I declined Kleiberg's invitation to see his experiments.

" 4. Sievers (Ahnenorte). I heard for the first time about it in Berlin on occasion of Sievers' visit with me. Evidently at that time the experiments were finished. Sievers came to find out from me about the possibilities for manufacturing of medicine. I mentioned the Deutsche Heilmittel GEMH (German Medical Corporation, Ltd.) in Prag which belonged to the German plants, managed by Oberfuehrer Baier of my staff. I recommended Sievers to go to him. The medicine had been manufactured later in Schlachters (Black Forest). Sievers told me the following : The 'Ahnenorte', whose manager was Sievers, had developed in Dachau a medicine which quickly brought coagulation of blood. It was enormously important for our army because it prevented continual bleed-

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It was the result of experiments in Dachau during which a prisoner was fired upon. A prisoner in Dachau, a specialist in the field, took an important part in the discovery of this medicine.

" 5. Hassmeyer, an Oberarzt (head physician) in the medical institution in Hohenlychen, received from Himmler permission to carry out experiments with tuberculooses. I sent him to Gluecks who put the necessary persons to experiment upon at his disposal. He received about ten orphan children who probably came from Auschwitz. The experiments took place in Neuenhagen. Later I saw a paper on these experiments which was written for Himmler. But it was written in such a scientific way that I did not understand a thing.

" 6. Madaus. Worked in Radebeul on a sterilization drug. The Schweigrohr plant was needed for its preparation. As this plant grows mainly in North America, Himmler charged me to arrange for its cultivation in Germany. Himmler evidently meant the medical plants division of the Herb Garden in Dachau, which belonged to my administration.

" The contract with Madaus was made through the doctor at Lolling's Inspection department.

" Madaus, assisted by Dr. Koch, considered Dachau unsuitable; therefore, he invited us to visit Radebeul and to start the cultivation there. During this visit we were shown the premises and experiments with animals in the laboratory. I am not sure that these were experiments with the Schweigrohr medicine, but I presume that this was the case. A hothouse was needed for the cultivation of this plant in Radebeul, and therefore Dr. Koch asked for my help in getting it. I promised him to report this business to Himmler, who granted his request.

" To what extent they were successful with the cultivation of the plant and whether it resulted in the mass production of the medicine and to experiments with human beings, I don't know, especially because from then on all further details were taken care of by Lolling alone.

" 7. Iest. I can't remember whether experiments took place in this case at all, because also, other offices were participating in such experiments. It is, of course, possible. I don't know either whether the

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which I saw during my visit in the I.G. Farben (Chemical Trust) factory Byrrenfurt near Breslau (I was invited there by Dr. Ambrose) were filled with gas made out of lost.

" Conclusion : I have taken pains to do my best to describe what has stuck in my memory. I did not have any direct information about most of the experiments. The prisoners who were set aside (abgestellt) for the experiments appeared in the monthly reports from Lolling's office as one number, and they were divided among 40 different experiments.

I found this out in 1944 through Lolling. If I am not mistaken, the number of prisoners set aside for this purpose totalled about 350-400. I tried time and again to make this number lower; in the first place, I admit, because I wanted to use the prisoners for work. This brought about a personal intervention by Himmler who personally ordered the presentation of the prisoners, e.g., in the case of Schilling.

" My personal attitude toward the medical experiments with living human beings is the same as of any moral person. But I have not seen clearly the dimensions of these experiments — and being an outsider, I could not see the extent of their danger. In my heart I was against the method of Himmler.

DR. SERVATIUS 9 Counsel for defendant Karl Brand) :

Mr. President, I can not see if the document has been sworn to . The photostatic copy which I have received just now does not contain any note either that it has been sworn to. After Pohl 's signature there is a number, "11/7" which I understand to mean 11 July. In the copy has been added " Sworn to and signed 23. June." Perhaps the Prosecutor could explain this to us. If the document has not been sworn to, then I ask that it be withdrawn.

MR. HARDY: I can fully explain the condition, Your Honor. This document was written by Oswald Pohl in his cell in his own handwriting, and when he finished writing it, it was 11 June. Then, after he had written the document, he waited several days before he was called for an interrogation, and at the time he was called for the interrogation he presented the document to Walter Rapp, Chief of our Evidence Division, and at that time Mr. Rapp

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took his oath and had the document sworn to.

DR. SERVATIUS : Mr. President, I believe that this is a mistake. He has signed it in July, and supposedly he has sworn to it in June. Therefore, there must be a typographical error.

MR. HARDY: Pardon me. I did not notice that discrepancy. It is obviously a typographical error. It was sworn to in July, the same date it was written. The reason for the difference between the 14th and 23rd was the time he was called from his cell.

DR. SERVATIUS : Then, may I request that the original be presented.

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JUDGE SEPARD: Is it your assertion that the words "Sworn to and signed before me this 23rd of June 1946 in Nurnberg, Germany" should read 23rd of July?

MR. HARDY: To comply with the actual affidavit, yes, sir. 23rd of July.

THE PRESIDENT: The original document as submitted to the Tribunal shows no jurat.

MR. HARDY: May I see the document, your Honor?

Obviously, your Honor, the jurat isn't on the document and I request that we will retain the document and have it sworn to at a later date.

THE PRESIDENT: The offer of the exhibit will be withdrawn at this time.

MR. HARDY: The question arose this morning - the defense counsel crossed Mr. McNamoy's presentation of the admission of Document 2428-PS. At this time I have another section of that document to present to the Tribunal which is the testimony of Maria Dobrowski and at this time I wish to present to the Tribunal the actual documents themselves which were presented in evidence to the IMT as Great Britain exhibit 582. I must request that the Tribunal return them immediately as they are part of the original record of IMT and are being sent to the Library of Congress and I have signed for them only to be returned this evening. This is, you will see, an official report which has a cover sheet "Confidential Report of the Atrocities Committee at the Dachau Concentration Camp". It is in three volumes - two of them were upstairs and were obviously put into evidence. These volumes are numbered 25 to 27 and was a report of War Crimes Investigation Team #6823. At this time I wish to call...

THE PRESIDENT: Just a moment. In connection with this exhibit which has just been offered. It may be admitted if a photostatic copy of the pertinent parts, including the confidential cover, will be substituted promptly.

JUDGE SEPARD: Counsel, can you point out in these document books where the affidavits are that you now have.

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MR HARDY: Yes, sir, Just a moment.

JUDGE SEERLING: Will you hand up the other book, please?

DR FLEMING (defense counsel for the defendant Mrugowsky): I have been informed that those are Volumes 2 and 3 and that there still is a Volume

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it is stated in the introduction how the commission carried out these interrogations and how it was organized. This Volume 1 is, however, not available anymore to the Tribunal. I am therefore of the opinion that without the presentation of Volume 1 - without the possibility of determining how the commission was organized which carried out these interrogations and what was the assignment of the commission it cannot be determined any more if the affidavits contained in these two volumes can be regarded as documents in accordance with the Charter. In addition to this, a large part of the documents have not been signed because those who were to have signed them were unable to sign the documents.

MR. HARDY: May it please the Tribunal. In this connection obviously the defense counsel knows what has happened to Q 1. I sent up to the IIT Document Room and asked them to send down this exhibit. This is what they sent. I didn't know Q 1 was not there. However, at this time I am only asking the Tribunal to take judicial notice of this document and not admit it as an exhibit. Article 9 of Ordinance 7 states: "The tribunals shall not require proof of facts of common knowledge but shall take judicial notice thereof. They shall also take judicial notice of official governmental documents and reports of any of the United Nations, including the acts and documents of the committees set up in the various Allied countries for the investigation of war crimes, and the records and findings of military or other tribunals of any of the United Nations". This says that "the tribunals shall..." Now, this particular report is an official report of an army investigation team for war crimes and I submit that to the Tribunal for consideration.

MR. FLEMING: If the report is the report of an officially recognized committee it could only be determined if Volume 1 was available. Volume 1 several days ago does not exist. When Attorney Pelckmann wanted to look at it it was not available either. However, he knows that the three volumes, as he informed me, were never submitted in their entirety before the IIT. I therefore request the Tribunal to also examine this question: If the three volumes were not submitted in their entirety to the IIT these two volumes, in my opinion, cannot be used without Volume 1 at this time.

MR. HARDY: Your Honors, may I point out that it is my opinion in answer to the accusation that this is not an official committee I feel very strongly

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that the United States Army is an official organization and they set put these investigation teams particularly for this purpose. Those volumes are the result of their work. If you will read the top section of the affidavit you will see the amount of work that they went through to procure these affidavits and the caution they took. I also submit the fact that this has been introduced before the IMT, is in the evidence of IMT, and a record of IMT, and under Article IX I ask that the Tribunal take judicial notice of these documents.

THE PRESIDENT: Objection will be overruled. The certified copies may be filed before the Tribunal. The certified copies should carefully show the volume and page of each exhibit and also refer to the document book by appropriate number.

MR. HARDY: Thank you, your Honor. In due course I shall submit certified copies.

At this time I wish you would refer to Page 31 of your Honor's document book in connection with this affidavit. This is an affidavit of Marion Dobrowski.

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DR. FLEMING : Yes, Your Honor.

JUDGE SEBRING : As I understand it the affidavit appearing on page 29, is a true multigraphed copy of an excerpt taken from the confidential report of the Atrocities Committee at the Dachau Concentration Camp : is that true ?

MR. HARDY : That is correct, Your Honor, and certified by the Chief of our document center.

JUDGE SEBRING : That appears there as Exhibit 32, is that not correct ?

MR. HARDY : Not, it is Great Britain Exhibit No. 582, Your Honor.
Great Britain Exhibit 582.

JUDGE SEBRING : I do not mean the exhibit before the International Tribunal, but the exhibit as it now appears on the front of the document book.

MR. HARDY : Number 52; that's correct, sir.

THE PRESIDENT : The Tribunal directs that it will take judicial notice of the exhibit as you had it on the first page this morning. After that it will be sufficient to take it in our notes.

MR. HARDY : Thank you, sir. May I read the section in this testimony of Marion Dabrowski that I want you to take particular notice of, Your Honor ? On page 29, you will find that this is the testimony of Marion Dabrowski, taken at Dachau, Germany 13 May 1945. Question number 1; Marion Dabrowski was asked his name, and his answer -- he was a Catholic priest. I now request the Tribunal to turn to page 31, the second question :

Q. Were you forced to submit to the malaria experiment while you were a prisoner at Dachau ? A. Yes, three times by mosquitoes and once by an injection of blood from a malaria patient.

Q. Did you volunteer or offer yourself in this experiment ?

A. Never

Q. How did it happen that these experiments were performed upon you ?

A. It happened through the camp secretary's office. At that station, prisoners who were communists were told to present the names of 100 prisoners for the malaria injections. These communists said that the priests are the most useless among the prisoners, so the priests were told that 100 of us had to go forward to get the malaria injections. The hundred names were finally chosen from amongst the priests by alphabet.

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Q Were 100 Catholic priests forced to submit to the malaria experiments?

A Yes

Q Were you given an opportunity to protest your being subjected to this experiment?

A At the beginning a protest would have been like a death sentence. There was a sudden change at the end of the year 1943 in our general treatment. They were not officially allowed to lodge a protest. It was easier to have a word, and protest against further experiments.

Q Did the protest do any good?

A In my own case, and that of one of my fellow priests, the protest was successful, and I escaped a fifth injection, after the fourth I had. I know, however, in many cases, a protest was useless even at that time.

Q What result did this malaria injection have upon you, and the other priests who were subjected to malaria injections?

A At first we got a fever for about three hours. After three hours, we felt extremely cold and started shaking with cold. Then the fever started again, and the whole process continued sometimes for as many as nine days. My own brother, who is also a Polish priest, and is still in this camp, had, for nine days, daily higher fever, as high as 41 or 42 centigrade. Generally they were in a very bad state of health and there were several cases of death.

Q Over what period of time were you subjected to these four experiments?

A They began the experiment on me in December 1942 and the last was back in June of 1943.

Q Who performed these experiments upon you and the other priests?

A That was SS Obergruppenführer, Professor Schilling.

Q Did Dr. Schilling ever tell you by whose order he was making these experiments?

A No, he never said anything to us. He treated us like dogs. When I protested to Dr. Schilling in person, I tried, at first, to talk French to him, because he knew that language; and it is easier for me than to talk German. He told me, in fact, he stopped me at once, and said, "In this camp we speak in German!" When, after that, I protested in German language

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against further experiments on my body, he said, " You have no right to protest, you are a prisoner here, and I shall report you to the Commander of this camp for your protest, and you will see how hard the consequences will be for you. Nevertheless, I kept on protesting. I had an order from the Camp Commander later on that, every time Dr. Schilling wanted me at the hospital, I had to appear without fail at the hospital at his disposal. I have witnesses that the facts I just related are exact."

I will not read any more from this document, Your Honor. I merely introduce this to show that these men subjected to these experiments were by no means originals or volunteers. At this time, I respectfully request the Tribunal to call the witness August Heinrich Vieweg to the witness stand.

AUGUST HEINRICH VIEWEG, a witness, took the stand and testified as follows :

BY JUDGE SEERING :

Q Will you repeat this oath after me :

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

DIRECT EXAMINATION

BY MR. HARDY :

Q Witness, your name is August Heinrich Vieweg, is it not ?

A Yes.

Q When and where were you born ?

A On the 17th of September, 1895, at Hannover.

Q What is your occupation ?

A I am a book printer

Q Witness, will you kindly tell the Tribunal where you are presently living ?

A At the time, I am living at Barmberg.

Q Witness, at this time — are you now a prisoner in one of the military government prison ?

A For the time being, I am a prisoner.

Q Would you kindly tell the Tribunal why you are now imprisoned ?

A From the Barmberg prison, I have been brought here in order to heard as a witness.

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Q Witness, you do not understand me. Why are you, or why were you, in the Bamberg prison? For what reason have you been placed or put into the Bamberg prison?

A I have not yet been sentenced. I am in pre-trial confinement in the Bamberg prison.

Q For what reason are you in pre-trial confinement?

A The Bamberg police have accused me of engaging in black market activities and because of serious mischief.

Q Thank you, witness. When were you first arrested by the Nazis and placed in a concentration camp?

A I was arrested in May 1940 and taken to the concentration camp at Sachsenhausen.

Q When were you transferred to the Dachau Concentration Camp?

A I was sent to the concentration camp at the 16th of October 1940, coming from Neuengamme.

Q While you were an inmate at the concentration camp, did you ever undergo any medical experiments?

A The concentration camp at Dachau; I was used for malaria experiments by Professor Dachfinney.

Q How many times were you subjected to the malaria experiments by Dr. Schilling?

A On five occasions I received five cubic centimeters of malaria-bug infective and later, —

Q Would you kindly tell the Tribunal what effect these experiments had on you; that is, did you have high fever, serious illness, and so forth?

Q Quite often I ran a very high temperature. I reached a very exhausted condition, and after the injection I received large doses of medical drugs, quinine, ephedrine, and many others. I was in bed for weeks, and after one certain treatment in the course of 1943, 1944, 1945, and 1946, there were 20 to 26 occasions when I had malaria attacks, so that, for a long time I was unable to work.

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Q At the present time, do you have re-occurrences of this malaria fever?

A In this last year, I was in hospital from August 1st to 15th, again with malaria attacks.

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Q How many recurrences of malaria have you endured since you were experimented on by Dr. Schilling ?

A After my treatments in the experimental station had been concluded, I stayed with Dr. Schilling, and there were twenty occasions when I was treated for recurrences.

Q Are you completely cured now, witness ?

A No.

Q After you had undergone the various experiments at the hands of Dr. Schilling, did you then become a worker in Dr. Schilling's laboratory ?

A After my first so-called immunization treatment had been concluded, the Chief Medical Officer of that Department sent me over to Dr. Schilling's department for laboratory duties.

Q On what date did you assume those duties ?

A I am afraid I can't tell you that exactly, but it must have been on or about August of 1942.

Q What were your duties in Dr. Schilling's experimental station ?

A In Dr. Schilling's Department I was in charge of animals. In other words, I cultivated animals : white mice and canaries; in fact, I was in charge of that department.

Q Did you have any other or additional duties, such as file clerk or typist, witness ?

A For a certain period, I substituted for the Clerk and I was in direct contact with Dr. Schilling on various occasions. I had a certain amount of contact with the Chemistry Department purchases from Dachau, and also I was in command of battle fields in the surrounding district of Dachau; and I dealt with work done by the commander.

Q While with Dr. Schilling, did you have the opportunity to read any of Dr. Schilling's correspondence ?

A I had frequent occasions to see the reports which Dr. Schilling sent in every three months, and sometimes I saw the answers which Dr. Schilling received from Berlin, as well as some other chemical manufacturers.

Q Witness, can you recall the whom those reports were sent, in Berlin ?

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Berlin ?

A. These quarterly reports which Dr. Schilling used to prepare, went to the Gruppenführer or Obergruppenführer, the Reich Medical Officer: Dr. Grunitz.

Q. You have referred to the fact, today, that you saw some of the answers Dr. Schilling received from Berlin ; who was the originator of these letters that Dr. Schilling received from Berlin ?

A. As far as I can recollect, these replies came to Prof. Schilling from Dr. Grunitz.

Q. Do you know where Dr. Schilling received his material to be used in this research, that is injected blood, in the malaria Experiments, fly eggs, and so forth ?

A. I can remember that Dr. Schilling received malaria fly eggs, so-called eggs, from which he bred to other flies, from Dusseldorf; they came from an insane asylum, but I can't remember the name, and some from Rome: medical institute at Rome that used to receive eggs. In fact, his material used to come from Berlin. According to my memory, it came from Prof. Rose, and also from others; but I am afraid I can not recollect the name there.

Q. Do you know whether Prof. Rose had any correspondence with Dr. Schilling ?

A. I remember in connection with the previous breeding we were not too successful, and subsequently a number of letters given to a stenographer by Dr. Schilling came before me, and they were addressed to Prof. Rose. He was asking certain explanations in it, regarding certain types of insects, in connection with which my name was used. I am certain it went to Berlin and I am certain that answers were received on numerous occasions.

Q. Did Dr. Schilling ever send any reports of these experiments to Prof. Rose, to your knowledge ?

A. Whether he sent reports about Malaria patients, I don't know. At any rate, so far as about these fly breeding experiments are concerned, he had sent reports. I know that for certain.

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Q Witness, during the time you were with Dr. Schilling's Laboratory Department, were there any visits from distinguished visitors from Berlin or other places?

A I remember for certain only this: Dr. Grawitz, he came to see us on about three occasions, coming from Berlin. He came to see us first. A number of other visitors also came to see us, but I can not remember the details.

Q Can you remember any of the names of the visitors that came to visit Dr. Schilling's experimental station?

A Unfortunately, I am unable to remember them. I only know that one of my assistants, a certain Dr. Kurt Floettner, received visits from Standartenfuhrer Sievers, and he carried out negotiations with him. This man, Sievers had taken the so-called Block No. 3. He had a room in our Department, where he carried on his writings; and Standartenfuhrer Sievers visited him several times and he visited our department and went through it. As far as any other visitors who visited our department are concerned, I can not remember any.

Q Doctor -- Witness -- We will now turn to Experiments on Sea Water. Do you know anything about experiments at Dachau with sea water?

DR. PELCKMANN: May I raise an objection, please? I beg not to admit that this witness should be examined about sea water experiment questions. Undoubtedly, we know about this witness for the last 24 hours. The document book of the prosecution on sea water experiments however has only reached us five hours ago.

On the basis of the affidavits which are contained in that document book, I shall have to put certain points to this witness, in order to examine whether his statement is correct; because these affidavits which are contained in that document book are coming from people also who have seen something in connection with these sea water experiments. And it is possible, that certain contradictions may be made here, regarding this.

I must ask, therefore, that the questioning of this witness in reference to sea water experiments should be postponed until I have had an opportunity to see the documents in Document Book No. 5, and examine them together with

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defendant Schaefer. And, I should consider it as particularly suitable if the examination of this witness would not take place until the prosecution, too, have submitted the affidavits from this document book. Otherwise, you see, I should have to wait until after the presentation of these affidavits from Document Book No. 5, and then ask that this witness shall be called again. So that I could prove contradictions on the basis of this affidavit.

MR. HESDY: May it please the Tribunal, I have several answers to Defense Counsel. First of all, we filed General Secretary Document Books on sea water experiments within the requirements of the Tribunal; that is, twenty four hours within which we wished to present the document books on sea water. This should have been placed in the hands of defense counsel yesterday, so I presume it was delivered to the Defense Counsel Information Centre.

Secondly, as we explained in the procedure the first day of the trial, we said it would not be possible — pardon me — we said it would be necessary on several occasions for testimony of witnesses to over-lap. That is, when we called a witness on Malaria, that at the same time this witness can testify as to the sea water and other experiments.

It was necessary for us at that time for convenience and in order to save the Tribunal's time here. We can not call the witnesses back daily as we arrive at each experiment.

JUDGE SEHRING: May I ask the Secretary-General's office if he has a record which shows when these document books were placed in the Defense Counsel Information Center? I haven't received it.

MR. HESDY: The Secretary-General has the document books in his hand now, your Honor.

DR. PSICHTALIN: May I say something, your Honor? My colleagues and I myself received the document book with these three affidavits at 10:30 a.m. to day.

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MR. HARDY: Your Honor, at this time I want to impress upon the Tribunal that it will be next to impossible for the prosecution to call witnesses, as I said before, to testify from one experiment to an other and only call them after we have presented the documents on a particular experiment. In that case we would have to wait and hold the witnesses until the presentation of all documents and evidence has been completed because each witness that we will call can testify to more than one experiment. Furthermore, we have complied with the regulations of the Tribunal and filed the Document Book. However, as to what the witness can testify to now, I feel that the position the defense takes, that they have not had the document book, is immaterial at this time. These document books are placed in the Defense Information Center in boxes containing the defense counsels' names. If they did not go to the Defense Information Center after recess last evening, then naturally they would not have the copy until this evening.

THE PRESIDENT: Can you say that they were in the boxes at that time?

MR. HARDY: I can not say that, Your Honor, inasmuch as it is not our duty to deliver them to the Defense Counsel.

THE PRESIDENT: I understand that, but you can't say that, can you?

MR. HARDY: No, I can't, your Honor.

DR. FOLLMANN: This morning, after most of my colleagues had already entered this courtroom to participate in the session, I received this document book at 10.30. The document books for the other colleagues had just arrived. They were not in the shelves for the defense.

THE PRESIDENT: Examination of the witness may proceed at this time concerning sea-water experiments but the witness may be recalled at some later date soon, possibly Monday, for cross-examination upon these letters by the defendants.

BY MR. HARDY:

Q Witness, do you know about the experiments conducted at Dachau with sea water?

A In the year 1944, I do not remember the exact month any more, a department was created in the so-called Block 5, Stage 1, which previously had been occupied by malaria patients. This department was prepared for so-called sea water experiment. Forty to sixty, I do not remember the exact number any more, gypsies were confined

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there and the door was locked. There was a nurse in this ward who had previously been a nurse with us, I can't recall his name any more, and several Luftwaffe officers appeared, also some non-commissioned officers, and they took over the management of the whole project. This department in itself was isolated; none of us were allowed to enter there. However, from my section I was very well able to observe this department. These patients were confined there; they were also allowed to take some exercise in the yard during the first initial few days and then they told us that they were being nourished with Luftwaffe rations. As far as I can remember, this ration was continued for two weeks and then this nourishment was withdrawn. According to the stories we heard, because, after all, we wanted to know what was going on there, we were told that these people had been divided into three or four sections and that various methods of treatment were given to them. One part of them was to be given only pure sea-water; another part was to get distilled sea water; and the third group was to be given sea water mixed together with some tablets. I can only remember this because we were told about it. But I have seen the following: that in this ward a certain amount of unrest began to develop. I actually almost broke out there at one time. They beat up their nurse. One nurse then was released by other personnel. I can remember that from this ward on various occasions people were carried out on stretchers who seemed to be in a very excited condition. In part they were then brought to other sections in order to be treated there. What happened to them there I do not know. On two or three occasions, I believe to be able to remember to a certainty, a stretcher was carried out by the nurses with a cloth and a blanket over it and these stretchers were carried to the so-called morgue. The whole experiment, as far as I can remember, lasted approximately 8 weeks and then the whole section was cleared out again.

THE PRESIDENT: The Tribunal will take a recess for 15 minutes.

(A recess was taken).

FOLLOWING RECESS,

THE MARSHALL: The Tribunal is again in session.

DIRECT EXAMINATION (Continued)

BY MR. EARLY:

Q Witness, before the recess your were describing in detail sea water experiments. Do you have any more details to add ?

A No.

Q Witness, they conducted those sea water experiments in one of the rooms in the malaria station, is that correct ?

A No, this room officially belonged to the hospital, however, we had occupied this room with our patients and then had to clear this room in order to enable the sea water experiments to be carried through.

Q Were you ever in that room where they were conducting the sea water experiments ?

A No.

Q Witness, you stated to the Tribunal that you observed various people being carried out of this room on a stretcher covered with a sheet and a blanket. Can you tell the Tribunal what position you were in to observe these people being carried out on a stretcher ?

A I could go about the hospital as freely as I liked, because we had the patients in a few barracks and the laboratory were in another barracks close by.

Q Then you personally saw these people being carried out of the room in which the sea water experiments were taking place ? Witness, did you hear the question ?

A Yes, these people were carried out of the room where the sea water experiments were conducted through the corridor and through the street, which led from one barracks to another.

Q Would you say, from your observation, that these people being carried out on the stretcher from the room in which the sea water experiments had taken place - that these people were seriously ill or were they dead, witness ?

A According to my recollection, some of them were very exhausted and were carried out of the sea water experimental chamber to other departments of the hospital. In two or three cases, I can say with certainty that they were carried

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to the so-called hospital morgue.

Q Witness, you also stated that you know about the details of the experiments that you know of the type of water given to the prisoners. Could you kindly tell the Tribunal how you gained that knowledge?

A The knowledge regarding these details I gained from conversations, after the conclusion of these experiments, which were carried on with the new and some of the surviving patients.

Q That is the nurses who worked in the room where the sea water experiments were taking place, witness?

A Yes.

Q Witness, what nationality were the inmates that were used for these sea water experiments?

A That I cannot say. Only gypsies were used for these experiments, coming from various concentration camps, Buchenwald, etc.

Q Witness, we will go back to the malaria experiments for the moment. What was the nationality of the people used for the malaria experiments, what type of people were they?

A The biggest part, approximately two hundred patients, used for the malaria experiments were Germans, another big part were Polish clergymen and the rest were partly Russians, some Yugoslavians and some Poles.

Q Were any prisoners of war used in these experiments?

A Among the Russians, a great part of them were Prisoners of War.

Q What was the total number of people used in these malaria experiments from your knowledge?

A According to my knowledge, during the malaria experiments 1,084 experimental subjects were used.

Q Will you kindly tell us, witness, how many of these subjects used in the malaria experiments died as a result of the experiments?

A According to my knowledge there died directly at the malaria station, either directly or because of the treatment with drugs, seven or eight. I can describe the details if you like. The first case was an Austrian who afterwards became ill because of these malaria experiments. The assistant at that time, Dr. Bracktel, who was at the same time the deputy physician at the

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hospital, made a liver puncture and at that time he bled to death.

Q Witness, then you state from your knowledge that seven or eight died from the experiments. Of that number who were dead, was that in the malaria station itself that they died?

A This was the number of dead, who were not transferred by us to another department, but who died at our station or a few hours after they had been transferred to another station.

Q Have you any knowledge as to what happened to some of the other experiments who were transferred to some other station after they were experimented on? That is, did some others die after they were experimented on?

A From our patients, during the course of the years since we had them come to us for observation, I can recollect that another sixty patients died. Whether they died of malaria or other consequences as a result of the experiments, I can not say with certainty.

Q Witness, I want to back-track a bit and ask you why you were sentenced to the concentration camp or why you were placed in the concentration camp by the Nazis? For what reason?

A No special reasons have been given to me. I was asked to appear at the Berlin Police station. I was there for several weeks and after that I was transferred to Sachsenhausen.

Q What was your classification while you were in the concentration camp, that of political prisoner or what?

A I came as a person that had to be safe-guarded by the police and as such was transferred to the concentration camp.

Q You have no idea why you were arrested by the Nazis and sent to a concentration camp?

A Nothing was told to me.

Q When were you released from the concentration camp?

A After the liberation by the Americans, I remained for another few weeks at the concentration camp since there were a number of malaria patients at the concentration camp. Then on the 15th or 19th of July 1944 I left when all other nationalities were transported away from Dachau.

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Q Witness, let us go on. Do you have any other details to tell the Tribunal about other experiments that were conducted at Dachau?

A I can testify something about the experiments which were carried out at the Aviation Institute with reference to this Anwesenheit since I often saw this Institute myself.

Q Would you kindly explain to the Tribunal what you saw at this Institute of the Luftwaffe in the Concentration camp Dachau?

A In February 1942 simultaneously with the opening of the Malaria Station at Block 5, a few blocks were opened for a series of experiments with reference to altitude. Ten inmates, so-called strong men, which had been selected for the malaria experiments by the Camp Administration were then transferred to this department. Later a so-called pressure chamber arrived and these ten patients were experimented upon with high-altitude experiments. I first gained knowledge about this at the time when I was yet in the hospital. On the second of April, 1942, I personally was transferred to the hospital for malaria cases and the ward where I was lying bordered on to the room where the chamber was. I can say that the minute the motors of this chamber started to rotate there was a death-like silence in the hospital since it had often happened that patients or even nurses, who at the time of the experiment, could be seen in the corridors of the hospital, and were immediately taken to the place of these experiments. These ten patients who were to be the official experimental subjects were really well-nourished, received smoke and as far as we know were the so-called exhibition patients but besides these ten patients a great number of people were chosen at random from the camp and they were always brought to this high-altitude experimental institute. Further, within the framework of this matter I remember that among others a black-loader who as far as I know was sent into the hospital--I think he had pneumonia--was also taken to this experimental station and a few days later was brought to the morgue. In our department where malaria patients were, one day a patient who for some reason had some difference with the Camp Leader Zill, was taken to this experimental station the following day. It was said at the time that he was transferred but next day I found him in the morgue. By rumor I found out that a number of patients on whom experiments were conducted died and were sent to

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the morgue. Following these highaltitude experiments, at the rear chamber of this room a water basin was installed and there is where the water experiments were carried through. I personally saw this department. I saw the water basin and I talked with the nurses and the chemical personnel who was employed there and whatever I know about it I found out from them. I did not see one such experiment myself, but at one time Dr. Rascher told me on the occasion of a visit at that time I had to deliver a message from Prof. Schelling--and he asked me whether I felt the desire to take a cold bath. That was time they had brought a number of women from the Concentration Camp Ravensbruck to that place. By hearsay I know that the frozen patients were to be warmed by these women. Even with reference to these experiments I know partly from those who participated and partly from the nurses that four patients had died. I was told by a chemist who was working there--he said that one day Dr. Rascher came along and ordered that certain of the men were to be taken along. The personnel was afraid that he was going to carry on the experiments on their persons. He further said that he went with these men who went to these camp and they took hold of a few people at his desk and went out to the crematorium and at that time out there tried these ten drugs on these persons and then determined whether these ten had a deadly effect on the persons. Later this department was turned over to our Assistant Doctor Kurt Ploettner and as far as I remember coagulating drugs were produced at Dachau. These drugs were tried out in the hospital at Dachau by surgeons but I don't know what success they had. Dr. Kurt Ploettner, a few months before the liberation of the camp with 25 inmates and with the files of Jannerbe fled to the mountains where they wanted to produce this drug on a large scale.

Q Witness, are there any other experiments that you know about at Dachau?

A I know that at Block 1 in the hospital--that was the so-called Surgical Block--a number of biological experiments were carried out. That is, a certain number of Polish chloerymen were infected with phlegmones in order to treat them biologically. A number of these experimental patients died as a result and others survived in the hospital but with amputations.

Q Do you recall who conducted the phlegmones experiments?

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A I cannot say that exactly. I only know that a certain Obersturmbannführer Dr. Schütz, who worked with the camp doctor Dr. Hoffmann and I remember that the frequent occasions he came to the hospital and had carried on experiments from that department. I was present when Dr. Schütz had a discussion with Dr. Brachtel about one such experiment with reference to gonorrhea drugs.

Q Witness, in all these various experiments you have listed here today, how were the people or prisoners chosen for these experiments?

A The patients for the malarial experiments were chosen by the SS Camp Administration and were transferred to Prof. Schilling at his request. How the other patients for Anemonia and etc. were selected, I don't know. I believe, however, that Dr. Mascher or his employees chose these people in the camp on their own initiative.

Q Were any of these people chosen for the malarial experiments or the other experiments, volunteers?

A No.

Q Were any of these people freed after they had endured the experiment?

A No.

Q How did you happen to be picked for the malarial experiments?

A In December of the year 1941, the camp personnel had to appear outside of the courtyard and Dr. Hoffmann, the Camp Leader, chose two or three hundred people from the ranks of the people there. We were the first patients.

Q You mean, witness, that you were merely selected at random?

A Yes. I don't know what the directives were at the time but I think that the Camp Administration settled that question among themselves. I remember at the end of 1943 a directive came from Berlin that only Russians and Poles were to be used for the malarial experiments.

Q When you were selected for these experiments did you consent to be experimented on?

A No. We didn't know what we were selected for. We were selected in December and a card index was made of our names. We were not allowed to leave our block and then from February 1942 onward we were sent to the Malarial Experimental Station and it was only then we knew why we were selected in December.

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Dr. SAUTER: Dr. Sauter, counsel for defendants Blome and Ruff.

CROSS EXAMINATION.

BY DR. SAUTER:

Q Witness, you have to answer a few questions for me, because from your answers so far I am not quite clear about your position. I should like to remind you that the answers which you are giving now are given under oath. You are clear about that, aren't you?

A Yes.

Q Witness, you have stated that you were brought into a concentration camp in the year of 1940?

A Yes.

Q And up to the,--and up to the capitulation in 1945 you remained in the camp?

A Yes.

Q Counsel for prosecution has already asked you repeatedly why you were sent to the concentration camp?

A Yes.

Q And then I heard you say that you had no idea whatsoever why you were sent to the concentration camp?

A Yes.

Q And if understood rightly you then said "nothing was told me", is that right?

A Yes.

Q But you must know why you were in that concentration camp?

A I don't know it. If anything has been told me, I was called to the Berlin Police Headquarters. I remained there for several weeks. I was interrogated, and I was only interrogated about my personal data and then after several weeks one day together with several other men who was in prison there to I was transferred to Sachsenhausen.

Q Witness, Haven't you ever received anything in writing as to why you were sent to the concentration camp?

A Nothing in writing has been given to me.

Q Now, you say that under oath, Witness,

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Nothing in writing has been given me as to why I was sent to the concentration camp.

Q And you assert under oath at this moment you can't state why you were sent to that concentration camp?

A I don't know.

Q When you stated that you were regarded by the police as a man under police custody; how do you know that?

A Because that was written on my card index which I received in Dachau, which was written on the PSV. It is in German polizeilich sicherheitsverwahrt, and then under police custody.

Q And before your arrest in the year 1940 were you never punished?

A Yes.

Q Perhaps you will tell the Tribunal why you were punished and what punishment you received and when it was? Under oath, I remind you, under oath.

A In the year 1934 I was punished and under this punishment I was arrested, and was then sent to the concentration camp.

Q In 1934?

A In 1934, yes.

Q Are you sure you said the right thing, 1934?

A Yes, 1934.

Q And how long did you remain in the camp?

A No,-- I was sentenced in 1934.

Q Why, I am asking you?

A In 1934 I was sentenced to 6 years prison because of falsification of documents and because of treason.

Q 6 years?

A Yes, 6 years prison.

Q Up to 1940?

A Yes, up to 1940.

Q And after this sentence you were sent to a concentration camp?

A I was to be pardoned and released, and I was told that--

The INTERPRETER: Will you speak a little slower, and make some pauses, so the translator can catch up.

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A (continued answer) After serving my sentence I was released, but shortly before my release was again arrested by the police and went over to Berlin and there it was said that I had to receive some lessons, educational lessons in Berlin, and then in the Police Headquarters at Berlin I had one interrogation, and then I was told "you are going to be released now". At the occasion of this interrogation my personal data were established and I heard nothing further until one day I was transferred to Sachsenhausen.

Q Witness,--Witness, in the sentence, on the strength of which you were convicted to 5 years, did you at that time say you were merely under police security?

A Yes.

Q Was that a so-called protective custody?

A Since it had often occurred that people who were released from the prison were sent to a concentration camp. A little while before my release from the prison I went to the Chief Prosecutor in Berlin and asked him what my situation was. He then wrote me saying that once my sentence was served, I think it was the 3d of May, 1930, I would be released and everything would be over and done with.

Q I am sure that was not what was written in that letter.

A Yes, I received that letter.

Q I am sure that was not the contents of the letter. Witness, I am an experienced lawyer, and I know that some such a thing could not have been in that letter?

A This was the contents of the letter.

The Interpreter: Speak a little slower. Speak just as slow as you spoke when the prosecutor was examining.

MR. HARDY: I object to defense counsel stating his opinion as to what was in the letter. The question is to the witness as to what was in the letter, and not the defense counsel.

THE PRESIDENT: Defense counsel may proceed.

Q Witness, were those 5 years of prison the only sentence you received before being sentenced to the concentration camp, or did you before 1934 receive any other sentence?

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A I cannot remember that at the moment.

Q So you cannot remember. In that case I should like you to refresh your memory. You are here under oath.

A I cannot remember at the moment to what extent I was sentenced before 1934 to any punishment. I can only say at the occasion of this sentence in 1938 I was not put under protective custody, and in 1940 I was to be released, to be released from the prison.

Q And what was the date of your sentence?

A May 1934.

Q And what was the name of the Court?

A It was in Berlin.

Q What kind of a Court?

A I was sentenced by a special court. That was in May 1934.

Q And what if the files were brought here and you would find a number of other sentences which had been imposed on you?

A Well, you could tell me that once you had the files, but at the moment I cannot remember. I can say that under oath.

Q Witness, with reference to your testimony today you have been interrogated before, haven't you?

A I was interrogated once before.

Q When was that?

A A few days ago.

Q A few days ago, did you say the very same thing at the time, the very same thing as today?

A I believe I said the very same thing.

A In that case you had a very good memory with reference to the things you testified today?

A In 1940 I was in a very sick state, and was sent from the concentration camp Neuengamme to Dachau, so that I can only remember the previous time if you refresh my memory.--

Q Now you have to do that yourself, on the basis of your oath, and I think I am telling you that for the third time.

A You cannot force me to make any statements if I cannot remember.

Court No. 1

Q During the experiments,--with reference to the experiments you witnessed in Dachau, had you seen a physician, Dr. Ruff, from the Luftwaffe?

A That I cannot say. I saw many physicians come from the Luftwaffe. My recollection isn't strong enough to mention any names.

Q How about a physician, Dr. Blome?

A I can only remember these names I have mentioned here, only.

DR. SALTER: In that case I have no further questions. Thank you.

DR. VON LERK: Dr. Varnwerk, counsel for Rosenberg.

BY DR. VON LERK:

Q Witness, what kind of experiments in the concentration camp of Dachau were, according to your knowledge, the first ones to be carried through?

A In February 1942 the malaria experiments started, and at the same time the high altitude experiments of the Luftwaffe.

Q You used the expression "exhibiting patients" what do you mean by that?

A I mean the very first selected patients who participated, who were used in the high altitude experiments. They lived in a specially selected room and they were well nourished. They received cigarettes. They were always presented, and were also introduced to Himmler at the occasion of his visit, and Himmler made big promises to them in case they survived, and told them they would be released, also in. In addition to these 10 patients a large number---

Q I was only asking you about these 10 patients. Did you get into contact with these 10 patients, did you speak to them?

A I visited them on several occasions.

Q Was there a possibility for the other camp inmates to get into contact with these 10 inmates?

A Not for the other inmates, but for such persons who were working in the hospital.

Q So these 10 people told you about Himmler's visit; do you know these 10 people were actually not to participate in experiments?

A Yes, they were.

Q But then you probably spoke to these persons about the experiments?

Court No.1

A Yes. Shall I tell you something about that ?

Q Yes, if you will.

A These people told me,--these people told me that they went into this high altitude chamber with a so-called protective installation. That they were placed under observation under 10, 120 13 and 14 thousand meters; that they were very exhausted, but as far as I remember they all survived.

Q Did you speak to them about the persons who were conducting the experiments ?

A No, as far as I know Dr. Rascher himself was the one who conducted them.

Q Do you know whether anyone besides Dr. Rascher participated ?

A I saw how during the first few weeks, during the high altitude experiments, a number of officers of the Luftwaffe, or at any rate they were in Luftwaffe uniform were present there,

Q You probably don't remember the names ?

A No, I don't

Q Would you recognize these persons if you did see them, today ?

A I hardly think so. It was too long time ago.

Q Would you try to recognize someone in the defendants dock ?

A I tried that before, but it is impossible.

Q You said that these 10 people were "exhibition patients;" beyond that you said that other experimental subjects were used in the low pressure chambers, but do you know anything positive about who experimented upon those persons ?

A Yes, Dr. Rascher.

Q Except these 10 experimental subjects, did you discuss these experiments with them ?

A No, I cannot remember.

Q Didn't you speak to anyone who saw you; didn't you speak to anyone about these 10 people ?

Court No.1

A I spoke to a numbe. of the 10 people that I met.

Q But other than that you didn't speak with anyone ?

A No.

Q Then how do you know there were other experimental subjects in addition to the 10 people you mentioned ?

A Because on various occasions I saw that patients were lead to this station.

Court No. 1

Q How do you come to that conclusion ? How could you conclude that these patients were used for these high altitude experiments ? Did you actually see them led into the chamber ?

A No, I only arrived at that conclusion because at that period of time no other experiments were carried on.

Q If I understood you correctly you did not observe that other experimental subjects were used in this chamber in addition to those ten people ?

A No, I did not see that.

Q And nobody told you about it ?

A Yes, on repeated occasions I was told about it.

Q Were you also told who the one was that was carrying on these experiments ? I am speaking of the others, not of the ten people.

A Yes, the very same Dr. Rascher who had these ten patients.

Q Do you know whether, in addition to Dr. Rascher, there was anyone else who participated in these experiments ?

A I have already said as far as I remember there were two physicians of the Luftwaffe who were active there.

Q I should like to ask you to differentiate exactly between the experiments with the so-called exhibition patients, to use your words, and the experimental subjects, who did not belong to these exhibition patients, and I now am speaking about those persons who were not such exhibition patients. Who was the one who carried on these experiments ?

A They were conducted by Dr. Rascher. I can only rely upon hearsay because I neither saw the experiments on the ten persons nor on the others. I only heard about this since we discussed the matter in the hospital.

Q You heard about it ? Then, if I understood you correctly, all the ten persons, after the conclusion of these experiments, were still living ?

A As far as I remember, yes.

Q How often were you sentenced by a court in your life ?

A That I cannot tell you exactly

Q How often approximately ?

A In 1934 I was sentenced.

Court No. 1

Q You have already told that to the High Tribunal. I now ask you how often you were sentenced?

A I was sentenced to six years in prison.

Q I am now asking you whether you want to answer my question or not?

A Yes, I have now answered your question.

Q So you are still saying that you do not remember how often you were sentenced by a court?

A I cannot remember what happened before 1934.

DR. VORERK : Thank you.

DR. PELCKMANN : Dr. Pelckmann counsel for Defendant Schaefer.

CROSS EXAMINATION

BY DR. PELCKMANN :

Q Witness, you said that in the year of 1934 you were not sentenced to protective custody?

A No.

Q Was a protective custody applied for by the Prosecutor at that time?

A No, there was no talk about protective custody at all.

Q You have said before that a special court sentenced you; is that correct?

A Yes, a special fast court sentenced me. I was arrested. About ten days later I came into the courtroom and was then sentenced to six years prison. Rather, I was first sentenced to four years and then to six years.

Q According to our practice of law there are special courts set up for political crimes, but you stated that you were sentenced because of falsifying documents and fraud?

A Yes, because of falsifying documents and because of committing fraud, I was sentenced in a special court, but then the matter was brought up again and then subsequently an ordinary court sentenced me to six years.

Q But that was not political court?

A No, it was not political court.

Q Now, witness, how does the prosecutor who examined you previously know -- how does he know about your experiences in the concentration camp?

Court No. 1

A Because I was interrogated about it at one time .

Q Well, how could he know that you had such experiences in the concentration camp ? Didn't you tell anyone about it previously ?

A I don't quite understand that.

Q At the moment you are in Bamberg in confinement, did you in Bamberg tell the police or the prosecutor who was prosecuting there, did you tell him anything about your experiences in the concentration camp ?

A Yes, I talked about it.

Q And did you subsequently report to anyone because you could tell something about these cruelties ? Did you report that to anyone ?

A Yes, yes I reported about that. I wanted to make statements about it.

Q When was that ?

A I cannot say that exactly.

Q Well, approximately when was it ?

A Well, it was some time ago, a few weeks perhaps.

Q You have stated that for the first time you told the prosecutor-- you spoke to the prosecutor about four days ago ?

A Yes, a few days ago. I was interrogated here a few days ago.

Q And before that you gave an indication that you could tell something about cruelties committed in concentration camps; is that correct ?

A Yes

Q And approximately when was that ?

A That was a few weeks ago.

Q Since when, Witness, are you in confinement in Bamberg ?

A Ever since the 14th of June.

Q In that case I can assume that your report that you know something about cruelties was only made at the time you were in confinement ?

A Yes, but I have spoken about that a long time before that, but I only officially reported that I knew something about these cruelties, only since I was in confinement.

Q You were in confinement since June; not before that ?

A No.

Court No. 1

Q Did you read newspapers before that, and did you listen to the radio?

A Yes.

Q Did you know that here in the trial and on the part of the prosecution such cruelties were discussed and brought into the courtroom?

A Yes.

Q There was the International Military Tribunal here that discussed these cruelties?

A Yes.

Q And at that time you were a free man?

A Yes.

Q And you didn't put yourself at their disposal?

A Yes, I was continuously available at the courtroom in Dachau. I transferred all the material of the Dachau Malaria Station which I could salvage and put it at the disposal of the court in Dachau.

Q But you said that you only made a report regarding your knowledge a few weeks ago?

A Yes, in this matter, because I now read that there was a trial against SS physicians and so on, and this is why I put myself at your disposal in order to testify.

Q And when you were still a free man who was it that you gave this material to and when?

A That was a year ago in Dachau.

Q And whom did you report to?

A Well, these were the investigation authorities in the Dachau Concentration Camps. There was an American Lieutenant Bauer or Lieutenant Gent, and at that time I gave them that material.

Q Were you treated as a political inmate in the camp or as a criminal inmate?

A Well, the treatment -- well, how do you mean that?

Q Well, did you have a green triangle or a red triangle?

A I had a green triangle.

DR. FELDMAN: Mr. President, I should like to ask some more technical questions to the witness tomorrow so that I could have some more opportunity

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to study the document book. All I wanted to avoid now was that the witness could prepare himself to answer the questions which I had wanted to put now, and this is why I put these questions now.

THE PRESIDENT : You may continue the cross examination tomorrow morning, Pardon me, the adjournment will be until Monday morning.

DR. WEISGERBER: Dr. Weisgerber, counsel for the Defendant Sievers.

BY DR. WEISGERBER:

Q. Witness, where were you born?

A. Hanover.

Q. It is correct that you were sentenced because of fraud and falsifying documents?

MR. HARDING: Your Honor, I object strenuously to any continuation of questions of this type. They have asked the witness questions of this type several times. I think they've got their answers now.

THE PRESIDENT: The same question should not be asked more than once but I do not know if this is the same line of inquiry. You may proceed.

BY DR. WEISGERBER:

Q. Were you sentenced before that time for fraud and falsifying documents?

A. That I don't know at the moment.

Q. At the experimental station of Dr. Schilling you experienced quite a number of experiments?

A. Yes.

Q. And you can not remember the names of the visitors?

A. No.

Q. How did Standartenfuhrer Dr. Sievers come to your attention?

A. Only because of his negotiations with Dr. Floetner. At that time Dr. Floetner was to go from the malaria station to the Ahnenarbe and it was on this matter that Dr. Sievers was there on a few occasions and had some negotiations with Dr. Floetner. This is why I remember Dr. Sievers and clearly recollect his name.

Q. He was to be included in the -- did Ahnenarbe have anything to do with malaria experiments?

A. The Ahnenarbe had nothing whatsoever to do with malaria experiments. It was only Dr. Floetner that continued to work on these matters.

Q. Since you are so well informed about the contents of the discussion between Sievers and Dr. Floetner, do you perhaps also know that at that time there were peckin experiments in Dachau?

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A Yes, that is correct, I remember the name pectin.

Q And who was charged to conduct those pectin experiments?

A I remember, I think, that was Dr. Kunzengruber, a physician who was later released.

Q Did Dr. Floetner have anything to do with these matters?

A Yes. I assume that at the time Dr. Floetner took over the Ahnenerbe was carrying out pectin experiments.

Q Did Sievers have any discussions with Dr. Schilling?

A I know that he went to Dr. Schilling on two occasions.

Q Were these just personal visits or were they business visits?

A I can not say because I did not attend these visits.

Q But since you were in a position to observe anything so well, you may perhaps tell me something about the duration of these visits?

A I think they were short visits.

Q And do you know whether there was correspondence, an exchange of letters between Sievers and Schilling?

A I only know that the Reich physician wrote to Professor Schilling stating that Dr. Floetner was leaving us and was transferring to the Ahnenerbe and that Standartenführer Sievers would settle the matter.

Q Can you state the year approximately?

A That must have been at the end of 1943 or the beginning of 1944; I can not remember exactly.

Q Well, that is the time when Sievers visited Floetner?

A Yes, that is right.

Q Were so-called exhibition patients presented to Sievers?

A I only know that on various occasions they went to the hospital but I don't know where they went to.

Q Did they merely pass through the corridor or did Dr. Floetner and Sievers actually remain in the hospital for any length of time?

A At the office of Dr. Floetner, an office which then belonged to the malaria station, they had conferences occasionally and I think subsequently they went to the station Ahnenerbe, but I can not remember that in detail.

Court No. 1

Q So if I understand you correctly, Dr. Floetner and Sievers only went through the hospital when leaving the office of Dr. Floetner and going to another part of the camp ?

A No, another part of the hospital, the so-called Ahnenerbe station.

Q As far as you know, did Sievers have anything to do with malaria research ?

A Sievers had nothing to do with us.

Q Do you know whether Sievers is a physician ?

A I don't know that.

Q Now I am interested in how you found out about the name of Sievers ?

A I found that out because of the correspondence to Professor Schilling from Berlin, and it always was said that, for instance, today Standartenfuhrer Dr. Sievers would arrive, the one who is responsible for Ahnenerbe, and then we saw Dr. Sievers when he arrived.

Q If you did not know the names of many other visitors, it is rather remarkable that you just remember the name of Sievers.

A Between Professor Schilling and Dr. Floetner, who was assigned to Dr. Schilling as an assistant from Berlin, between these two there was a strained relationship, and because Dr. Floetner wanted to leave one way or another, we were interested in the matter, and when finally the notice came from Berlin that Dr. Floetner was to be removed, the name Sievers was mentioned in that connection; and that is the reason why I remember the name.

Q Was Sievers present during any of the experiments ?

A That I don't know.

DR. WEISGERBER: I have not further questions to the witness.

THE PRESIDENT : At this time the Tribunal will recess until 9:30 o'clock Monday morning.

(The Tribunal adjourned until 14 December 1946, at 930 hours.)

CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 16 December 1945, 0930-1630, Justice Beals, presiding.

THE MARSHAL: The Military Tribunal is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: The Marshal will ascertain if the defendants are present.

THE MARSHAL: May it please Your Honors, all defendants are present, in the court this morning.

THE PRESIDENT: The Secretary-General will so record.

Defendants' counsel will proceed with the cross-examination of the witness.

AUGUST VIMERS -- Resumed

CROSS EXAMINATION -- Continued

BY DR. STEINHAUER (Counsel for defendant Beiglbuck):

Q. Witness, this is a question directed to your personal data. When exactly were you born; what day and what year?

A. On the 17th of September, 1895.

Q. In Hanover?

A. Yes in Hanover.

Q. On Friday you told us that you were the Kapo of the Professor Schilling malaria experiments.

A. No, I was never a Kapo acting at the Malaria Station of Dr. Schilling.

Q. Didn't you have a position which was similar to the one of Kapo?

A. I was employed in the laboratory of Dr. Schilling. You have told us that you were able to watch the proceedings in that sea water station from your barracks. Is that right? You have told us that people were carried into the courtyard in stretchers. I am now asking you, can you tell us why these people were carried into the courtyard?



A. On various occasions I saw people being carried into the courtyard. Part of these people were sent into the barracks of the hospital because they were exhausted. In two or three cases I saw how these people, who were carried on the stretchers in that manner --

Q. (Interposing) We will talk about that later. We are going to say something about the morgue; we will come to that later.

On that occasion, didn't you see a photographer who was taking pictures?

A. I saw one in the courtyard between the laboratory and the experimental station, and I was able to watch photographs being taken on numerous occasions.

Q. How were the light conditions in those barracks? Were they sufficiently equipped for photographic work?

A. I can hardly judge that; the photographs which I saw were taken in the courtyard.

Q. You told us about a quarrel between a nurse and one experimental subject. I am asking you, was that at the beginning or at the end of the experiment with sea water?

A. I think it was at the beginning of the experiment. I now remember the name of that nurse. The first name was Max. There were some differences of opinion, and they fought it out in the courtyard. After that the nurse would --

Q. (Interposing) Very well. Can you remember the nationality of this Max? Wasn't he an Austrian, coming from Styria?

A. Yes, I think he was an Austrian, and he came from Styria. I think he was even a Gypsy.

Q. Thank you.

Can you not remember, perhaps, whether Max was doling out the rations to the people justly?

A. I can't say that, but I think that the quarrel concerned this distribution of rations.

Q. Were you able to walk freely around the hospital?

A. Yes.

Q. And you had an opportunity daily to speak to the nurses and the

experimental subjects, is that right?

A. Yes.

Q. Didn't they tell you about important happenings there, and not only the details which you have already mentioned to us on Friday?

A. After the early days of the sea water experiments these inmates did not leave their rooms, so that we were unable to talk to them.

Q. But you did have an opportunity to find out something about what was going on there?

A. Yes; we talked about various matters, but I cannot remember any details.

Q. Now, the most important thing; did you hear that there were any dead there, people who had died because of the experiments?

A. I only remember from my own observations, that I saw how persons were carried down to the morgue from that station.

Q. But you did not have a positive report that somebody died?

A. I cannot say that under oath. I cannot remember that exactly now.

Q. Do you also remember that medical students were living next door to the barracks who were inmates too?

A. Next to the barracks, as far as I remember, there was this chamber, which I believe was formerly the pathological museum.

Q. Didn't you see any medical students there, walking about in their white robes?

A. As nurses, yes.

Q. Do you know the nurse who was an inmate too? The name is Pielwell.

A. Yes, I remember that name. He was a young, strong man, coming from Vienna.

Q. Yes, I think so.

Now let us return to the carrying out of the dead. Did Pielwell ever tell you that any fatalities occurred?

A. I cannot say that now.

Q. Is it possible that the bodies which were carried in the direction

of the hospital morgue were perhaps carried to the X-ray station or a laboratory?

A: The road to the morgue went across the courtyard; the way to the X-ray station was in an entirely different direction.

DR. STEINBAUER: I have no further questions.

MR. RABBY: May it please the Tribunal, our headphones are dead. We couldn't hear the last two or three questions very well. I suggest that we discontinue until the phones are put into condition.

THE PRESIDENT: It is reported that some of the earphones are not working. That has better be investigated.

BY DR. MARK: (Counsel for the Defendant Becker-Freyseng)

Q. Witness, you spoke about a Luftwaffe Institute in Dachau. I am now asking you did you see some kind of a placard or a letterhead where such a name could be seen?

A. No.

Q. Well, then, how did you find out about that name?

A. This name was mentioned among the inmates because the experiments that were carried out there were allegedly for the benefit of the Luftwaffe.

Q. Did you at that time see anything about Dr. Rascher, and at the time Dr. Reiglboeck came there, was Rascher there when Dr. Reiglboeck came or was he not? Did you know about Dr. Rascher?

A. Yes, I know about him. I saw him daily.

Q. Did you see any connection between Rascher and Reiglboeck or had Rascher already left when Dr. Reiglboeck arrived in Dachau?

A. I cannot say anything about that.

Q. Well, I thought you had such good powers of observation.

A. The successor of Dr. Rascher was Dr. Kurt Bloethner.

Q. Did you at any time see a Luftwaffe officer talking to Dr. Rascher? Did you ever see them talking to him?

A. Yes.

Q. Can you describe them? Can you tell us something about their rank or how they looked?

A. I remember having seen two gentlemen from the Luftwaffe there. One was tall and slim and the other was somewhat stouter. However, I do not remember their rank.

Q. Were they medical officers?

A. No. They were Luftwaffe officers.

Q. Can you differentiate? Can you differentiate?

A. Yes, according to their uniforms.

Q. Well, did they have this yellow sign? What did the Luftwaffe officer look like?

A. I cannot tell you that exactly. We had been told that this was Mr. "So-and-so," and the other one had another name, but we were never told what rank they had, and I cannot remember that.

Q. But you are sure that they were officers? You are sure that they were officers of the Luftwaffe and not medical officers?

A. I cannot say that. It had been said that he was a professor or something like that. I am not sure about it.

Q. Did you know that Dr. Rascher was in connection with the Institute for Military Science in connection with Abnenerbe? And is there any possibility that you interpreted that institution as a Luftwaffe institution? Is that possible?

A. Yes, that is possible.

Q. So at that time there was no name of Luftwaffe Institute in Berlin, but what you wanted to say was that "I was of the opinion that there could be such an institute, but I am not sure about it," and you merely drew a conclusion, is that right, because if such experiments were carried out there? Is that a correct statement?

A. Yes, that is correct, and I did not want to express myself with reference to the Rascher Institute as "Luftwaffe Institute."

Q. Yes. That was merely your way of thinking that this was a Luftwaffe Institute."

A. Yes.

Q. But if you were to be told that possibly it was not a Luftwaffe Institute, then you would still leave that question open, wouldn't you?

Court No. 1

A. Well, I know that the Rascher Institute was called an Institute for Military Science, and functioned as such.

Q. Well, that is what I wanted to know. Can you say when you saw Rascher for the last time? Can you tell us that approximately?

A. I cannot tell you that exactly. However, I assume it was at the end of 1943, at the end of 1943. I think it was in the Fall of 1943. I cannot remember exactly.

Q. You said before that you had discussions with those experimental subjects. In what language did you have those discussions?

A. They were in the German language.

Q. Well, did those gypsies know German?

A. The gypsies that were used in the sea-water experiments could speak German.

Q. So you could speak to them in German, you and the gypsies?

A. Yes. That is correct.

Q. And when did you have those conversations with them, before the experiments or after the experiments?

A. Partly after the experiments and partly during the first days of the experiments when they were still locked out.

Q. So what you want to say is that you spoke to them during the time when they were actually being experimented upon? We have to differentiate between various times here, first, the time when the people received their full ration and then after those eight days there were the real experiments, and I am referring to the time of the real experiments. Could you speak to them, to any of the experimental subjects at that time?

A. No.

Q. But you just said that you spoke to them during the experiments. When was that?

A. That was during the first few days when they received Luftwaffe rations.

Q. Did they complain at all? Didn't anyone complain about this? You said before they were locked out, but you cannot say that they were locked out -- how do you arrive at that expression, "locked out"?

A. Because these people were separated from the other inmates in a special room and could only speak to us partly through the window.

Q. Was there no supervisory personnel there?

A. Not during the first day. At that time when they weren't being experimented upon yet, these things weren't taken so seriously.

Q. I still wanted to ask you how can you state that these experimental subjects at the time they received their full nourishment could make any complaints towards you?

A. Because of the uncertainty as to the purpose they were being used for, and they were afraid on that account, and they merely were afraid because they didn't know what their fate was to be.

Q. Well, if I understood you correctly they feared because they were in uncertainty, and that was why they spoke to you through the window, Mr. Vieweg?

A. Yes.

DR. MARX: Thank you very much. I have no further questions.

BY DR. WILHE: (Counsel for the Defendant August Georg Woltz)

Q. I have the following questions to you, witness: in connection with the experiments of the Luftwaffe in Dachau, did you ever hear the name of Professor Woltz mentioned? Can you remember that?

A. At the moment, no. I cannot remember.

Q. You, therefore, never saw this gentleman there?

A. I can neither deny nor affirm that.

Q. He has never been pointed out to you by other inmates?

A. I cannot say that at the moment since my recollection is a little weak because of other experiments taking place at that time.

Q. Can you recognize him? Is he here among the defendants?

A. It is very difficult for me since the gentlemen who were there were all in uniform, and I would not like to say anything which I cannot say with certainty.

Q. Well, as a result, I can conclude that you never heard the name of Professor Wolts mentioned?

A. That I would not say.

Q. But at any rate, you cannot say anything to the contrary; you cannot say that you heard the name mentioned?

A. I can neither say that, naturally.

Q. And you can neither say —

DR. WILHE: Well, that is sufficient.

BY DR. FRITZ: (Counsel for the Defendant Rose)

Q. I have a few questions to the witness. Witness, on Friday you showed a good knowledge with reference to certain malaria questions, obviously on the basis of knowledge which you gained with Professor Schilling. I am now asking you to answer the following questions which refer to some very important details. During your examination by the Prosecuting Counsel you spoke of some remarkable incidents during which people during the course of the malaria experiments conducted by Professor Schilling had died. At that time you mentioned about seven cases, but you only spoke about one case in detail, which was a patient who died of malaria, had yellow fever and then because of a liver puncture died of death. I am now asking you to tell me something about the reasons for the death of the other six persons, the other six patients.

A. The other six patients were the so-called medication death cases. One patient died as a result of the galvesan drug. The other one died as a result of the so-called Veriphoro experiment, and the four last ones died as a result of a pyramidal experiment.

Q. Were the patients who after being released from the station of Schilling and who received relapses after that, were they sent back to Professor Schilling's station?

A. If they reported back to us, they were taken back to the station.

Q. In that case were there any patients — did any patients die in Professor Schilling's department who later on had malaria or relapses?

A. Patients who were in any condition that caused fear that they may die were transferred to another station.

Q. Do you remember that the malaria tiercionia is not an illness which causes death?

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A. As far as I know, nobody with us died because of malaria treatment, but as a result of the drugs died of the side diseases which appeared because of the malaria experiments.

Q. Did Professor Schilling say something to you with reference to these death cases who were under his responsibility and under his observation, and if so, how?

A. In the first cases, thinking of the patient who died as a result of the liver puncture and the next patient who died because of the salveson injection, Dr. Schilling re-rotted these cases very deeply, and he tried to prevent such matters as much as possible, but the last four cases, referring to the Pyraziden experiment, he was told that these patients were in a very bad condition. In spite of that, he insisted that they continue to receive the Pyraziden drugs — I think it was three grams per day — and when these patients came into a condition where they started to have delirium, they were transferred from our station shortly before their death.

Q. And now something else: On Friday you testified that Dachau received Anopheles eggs from Dr. Rose's institute and that there was an exchange of correspondence with reference to the difficulties which you had in the breeding of these eggs. Do you know where Dr. Rose worked, in which institute?

A. I think that these letters were addressed to the Robert Koch Institute in Berlin.

Q. Do you know from this correspondence whether these replies were made by Dr. Rose personally or by his assistant?

A. That I cannot say by memory — from my memory. I remember that among others, there was a reply from a lady who was in charge of the breeding of these eggs in Berlin.

Q. This is probably an assistant who had worked with Rose for many years.

A. Yes, but Professor Schilling, I think, first turned to Professor Rose and the replies probably primarily came from Professor Rose.

Q. Can you remember the name of the lady?

A. No

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Q. Do you know who Dr. Schilling dealt with and had correspondence with in addition to Dr. Grawitz and Dr. Rose? *RS*

A. I cannot say that from my memory, and I could only say that he had a correspondence with an institution in Dusseldorf called Graefard or something like that, and he asked for the breeding of these eggs there, and we received flies from there, living flies.

Q. Do you remember the name "Rose" from before, or did you only start recalling his name when you were first examined?

A. No. The name "Rose" remained in my recollection because I, myself, was inflicted with malaria which was called "Rose". He had these various immunization groups, the so-called malaria stock which had various different names, and I was with a group which was infected with a so-called Rose Culture.

Q. You have testified before that you received eggs from Rose. However, you could not remember the name of this perhaps Professor Vissiroli, Dr. Rosni or Dr. Rappacoli?

A. I think it was Vissiroli.

Q. Did you also receive these eggs from Hamburg?

A. We received no eggs from the Tropical Institute in Hamburg, but Professor Schilling had correspondence with that institute.

Q. Can you remember in what year you received these eggs from the Robert Koch Institute, rather from Professor Rose?

A. That was in the summer months of the year 1942.

Q. You have told us about a number of eggs -- a number of these flies which you had to breed in the vicinity of Dachau. Are you present?

A. There was not much detail who had to do that, and among them there was an SS man and one or two inmates. That happened in the swamps surrounding Dachau during the summer months. There were various water boats being used, and according to the degree of these swamps by order of Dr. Schilling these waters were infected with a mixture of pig food. During the winter months this detail was sent -- went around the canals of the Dachau Camp and worked on that matter. These mosquitoes flies were then examined by our Laboratories

and were used by it for breeding purposes.

Q. Can you say anything about the quantities that were caught?

A. It varied in the winter; sometimes they brought ten, sometimes thirty to fifty and sometimes sixty.

Q: Did your Department in Dachau deliver any such eggs to other departments?

A: On one occasion we delivered such eggs, but I cannot remember where.

Q: I now come to the question of malaria culture. Where did Prof. Schilling receive his malaria cultures from?

A: I cannot say that exactly. I know that he received malaria culture from Athens and from Berlin. That already happened in February 1941 at the time when I was not at the station yet. I remember that we had 12 different malaria cultures. I know that Prof. Schilling used one; another man used one, I think his name was Plugg; in order to give one such culture the name of "Plugg".

Q: Can you remember the names of the other cultures?

A: At first the culture LITHACE; the culture MOSKAU; the culture FINLAND; I cannot remember any more. We had twelve different cultures. I cannot remember their names in detail.

Q: What kind of malaria culture did you work with; was it CEREALIS or THROCLAS?

A: It was THROCLAS.

Q: I want to tell you something about a few more names of cultures that we had. If you can remember any more: "KALOSKOLAS"?

A: No.

Q: Vienna?

A: No.

Q: Havana?

A: No.

Q: "James"?

A: No.

Q: "Rena"?

A: No.

Q: Sicily?

A No.

Q Sardinia?

A No.

Q Ukrania?

A No.

Q Dusseldorf?

A No.

Q Tropica Paparode?

A No.

Q Millens?

A No.

Q Charite?

A No.

Q Schilling?

A No.

Q Did Prof. Schilling say something to you about the peculiarities of the cultures with which he worked in Dachau and that he could recognize them from his previous experience?

A Partly, yes.

Q At the time you were there, were patients infected with flies in hospitals which were outside your department in Dachau?

A In my time, no.

Q In order to gain a new culture for the department?

A No, not at my time.

Q But you can no doubt remember malaria being used in mental institutions and hospitals for the treatment of various conditions; did Prof. Schilling use infected malaria blood, or did he send out any infected malaria blood?

A I can't remember that; I do not think so.

Q You, yourself, suffered from malaria?

A Yes.

Q: When were you at the station as patient?

A: On the second of April, 1942, I was sent to that station.

Q: And since when were you active in the breeding of the flies?

A: I stayed at the station for approximately 110 days. I was then released, and a few days after, I was recalled into the hospital, and was out to work at that station. But then the chief physician called me to him, on the basis of Dr. Schilling's wish, that I was to be kept at that station as an assistant in the laboratory.

Q: How was it that you received these malarial cultures from the outside since you could have used your flies on patients in Dachau?

A: These various cultures were only received from the outside at the beginning. Later, we used "Anopheles" which we had bred ourselves; and we infected our own patients with that.

Q: The last question: How did these malarial cultures get to you from the outside; were they in blood, were they in dry powder, or were they flies?

A: Partly, there was infected blood; partly infected flies.

Dr. Fritz: Thank you, I have no further questions.

THE PRESIDENT: Any cross-examination of this witness on the part of any of the defense counsel?

(no response)

THE PRESIDENT: Has the Prosecution any Re-direct examination?

MR. HARDY: Yes, your honor.

REDIRECT EXAMINATION

BY MR. HARDY:

Q: Witness, do I understand you to say that Rascher, Dr. Rascher, was not at Dachau at the time of the sea water experiments?

(No response)

MR. HARDY: I will repeat my question:

Q: Witness, do I understand you to say that Dr. Rascher was not at Dachau at the time of the sea water experiments?

A: I don't remember anything. Something isn't functioning right.

(testing of apparatus)

THE WITNESS: Y' wohl.

BY MR. HARDY:

Q: Witness, during the course of the high altitude experiments, did you see Luftwaffe uniforms at Dachsen?

A: If I am not deceived by my recollection, yes.

Q: Witness, during the course of the freezing experiments at Dachsen, did you see personnel in Luftwaffe uniforms?

A: I cannot remember that in detail.

Q: Witness, during the course of the sea water experiments, did you see personnel wearing Luftwaffe uniforms at Dachsen?

A: The sea water experiments were only conducted by Luftwaffe personnel. I saw a number of uniforms there; officers and non-commissioned officers and a sergeant who only had permission to this room.

Q: Witness, you kindly tell this High Tribunal, what color the Luftwaffe uniform is?

A: The uniforms I saw there, according to my recollection, were dark blue uniforms; but it is impossible for me now to describe the exact uniform and rank insignia. At that time, it was a matter of course for me to discuss these various experiments, and I don't think my memory is deceiving me when I said that these sea water experiments were only carried out by the Luftwaffe. The SS physicians from the Camp did not participate, nor did any other medical officers.

Q: Witness, you have stated here that Standartenfuhrer Sielvers visited Dachsen and that Sielvers had a thing to do with gelatin research, have you not?

A: I only know of STANDARTENFUHRER Sielvers because of his name and his conference, during the negotiations about the transfer of our assistants to Dr. Blumhagen's Institute of ANSCHUTZ.

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Q Do you know whether or not STANFORD SCHILLING Sievers had knowledge of the malaria research work of Prof. Schilling; that is, did you ever see Dr. Sievers visiting Prof. Schilling's laboratory?

A I saw STANFORD SCHILLING Sievers in connection with Dr. Floetner, and I saw him at Professor Schilling's laboratory. But whether questions of malaria research, or questions were discussed with reference to the transfer of personnel of Dr. Floetner, I don't know, since I was not present during the negotiations.

Q Now, witness, you have told this Tribunal in great detail about the various experiments at the Dachau camp, and that you had, yourself, been subjected to malaria experiments five times; is that correct?

A Yes.

Q Witness, can you tell this Tribunal, what type of records, that is, case histories, were kept of each victim, at Schilling's malaria stations?

A At Prof. Schilling's station, every victim had a case history and a fever chart. His temperature was being taken every three hours, and his entire condition was noted down on that fever chart.

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Prof. Schilling himself had two records. He worked on these fever charts daily; and there were two forms of card indexes where the fever, the treatment of drugs, and various other appearances were noted down in detail. There was no other case history in addition to that; but because of the current fever chart and the card indexes, for instance, we had a red and a yellow card index; and during the first year we had two records. But that is something which would start later on.

Q. Witness, I shall ask you to identify for the Tribunal these two cards.

MR. HADY: If the Tribunal please, I have put on your bench Document Number NO.-983. This is an English translation of the cards in front of the witness at this time.

A. These cards are the original cards from our red card index system.

Q. This is the case history of your own case, witness?

A. Yes, this is the case history of my own malaria immunization.

Q. Would you kindly tell the Tribunal how you obtained these two cards?

A. These two cards--I must tell you about that at length. In early April of the year of 1945 the order came from Berlin through Oerguppenfuhrer Gluecks to dissolve the malaria station; and all written and other material which could in any way be identified with the experiments were to be destroyed. Then by order of the chief physician we had to destroy all written material; books, card indexes, fever charts, everything was packed and was partly sent to the crematorium and partly was burned in the box stove of our hospital.

But since we still had a number of patients in the hospital and also about two hundred patients in the entire camp, who had only been infected for a short time, we were able to persuade the chief physician, Dr. Hintermayer, to continue keeping the records, just removing the placards and signs in front of our doors and removing everything which in any way could be identified with malaria with only the exception of the caring of the patients. We wanted to cure them from the consequences of the disease.

Sturzkammfuhrer Hintermayer permitted us to do that; and we continued to work. In order to enable us to make a selection of the patients, we were allowed to keep this red card index so as to determine the names of

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such patients whom we wanted to continue treating. This treatment continued until shortly before the arrival and also during the arrival of the liberating American troops. We were in that manner able to save this card index from extermination, in addition to a number of other materials.

Q. Witness, will you look at the card again and tell me on the third line where it says in parentheses in German "Subkutan Rose", what that refers to, witness?

A. That means that on the 2nd of April, 1942, there was a patient by the name of Becker, and five cubic centimeters of blood from his veins were injected into my skin underneath my chest.

The name "Rose's culture" means that this blood comes from a patient who was infected with the malarial culture of Rose.

Q. Witness, I realize you are not a medical man; but can you also point out what this card means in total; that is, can you read the dates of the card and explain to the Tribunal what each entry signifies?

A. Yes. On the 2nd of April I was infected with blood for the first time. On the 12th of April, that is, ten days later, for the first time I had this so-called pulmonary fever; and my temperature was 37.4. Since I belonged to a so-called immunization group, Group Number 25, I received a number of drugs; that is, they tried to prevent malaria coming to a head in my case. On the 13th of April, I received 2 grams of quinine. On the 14th of April, I received another 2 grams of quinine on the form of drugs. I had no fever until the 21st of April. On the 21st of April I received another injection of five cubic centimeters of blood from a very ill patient with the name of Zahn. Approximately ten days later I received a quinine injection of 400 mg.

Q. Witness, I don't think there is any necessity of your continuing in the rest of the entries. In whose handwriting were these entries made on that card? Do you know from your experience of the malarial station?

A. The first entries were made by our clerk. That was an Austrian lawyer by the name of Franz Buchta. I think that was in the summer months, in August.

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1942, he was released by Dr. Schilling; and then there were various other clerks. This one entry, the one "New infection", was written by Dr. Schilling himself. From the 19th of December, 1942 onward, the entries were made by our clerk, who was a medical student from Luxembourg, by the name of Eugen Ost; and he, I think, made those entries until the very end.

Q. Witness, turn to the second card, the back side, and it says on the right-hand side of the card, "Malaria Laboratory, Buchen 3K". Is that the title of Schilling's research laboratory?

A. Yes.

THE COURT: I have no further questions, your Honor. No, pardon me, sir. At this time I should like to introduce these two cards as Prosecution Exhibit Number 127. I will be passing them up to your Honor so that you can see the original exhibit. Dr. Servatius informs me that we have given another document as Exhibit Number 127. In order to avoid confusion, will you change that exhibit number to Exhibit Number 128? I have no further questions on related exhibits, your Honor.

THE PROSECUTOR: Prosecution may proceed. The witness is excused. Step down from the stand.

THE COURT: May it please the Tribunal, the prosecution charges in the indictment—

THE DEFENSE: At this time the Tribunal will recess for fifteen minutes.

(A recess was taken.)

THE PRESIDENT: The Tribunal is again in session.

MR. HARDY: May it please the Tribunal, the prosecution charges in the indictment that the defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Krugowsky, Sievers, Schaefer, Becker-Freysang and Beiglbock are charged with special responsibility for and participation in the sea-water experiments set forth in Count 2, Paragraph 6, sub-paragraph G and Count 3, Paragraph 11. These experiments were also conducted at the Dachau Concentration Camp during the Summer and Fall of 1944. I shall turn now to Document No. 442, which is on page one of Your Honor's Document Book, which has been previously offered as Prosecution Exhibit No. 33. Pardon me a moment, sirs. Change that exhibit number, Your Honor, to Exhibit No. 129. This is an affidavit of the defendant Rudolf Brandt. I shall read the affidavit.

"I, Rudolf Emil Brandt, being duly sworn, depose and state:

"1) I am the same Rudolf Brandt who already on 30 August 1946 swore to an affidavit concerning the low-pressure experiments which have been conducted on human beings at the Dachau concentration camp. Furthermore, I swore certain other affidavits referring to medical experiments on human subjects.

"2) I am able for the same reasons set forth in paragraphs 1, 2 and 3 of my affidavit of the 30 August 1946, to state the following with reference to experiments conducted on human beings.

Experiments to Render Sea-water Drinkable

"3) The experiments with sea-water were conducted for the benefit of the Luftwaffe during the summer of 1944 at the Dachau concentration camp. German flyers were sometimes forced down at sea and were then without drinking water for considerable periods of time. The Luftwaffe had at its disposal two methods to make sea-water drinkable, one of them was extremely dangerous. Consequently General Schroeder, Chief of the Medical Service of the Luftwaffe, requested Himmler to place experimental subjects at the disposal of the Luftwaffe at Dachau.

"4) Himmler approved Schroeder's request and the experiments were carried out. It was expected that some of the prisoners would die as a result of the experiments, but I do not remember whether deaths occurred. Schroeder and his colleague in the Luftwaffe, from Milch down must have known — according to my opinion — that these experiments as well as the low-pressure and freezing experiments, have not been conducted on volunteers only."

MR. HARDY: And now I respectfully request the Tribunal to turn to page 3 of your Document Book. This is Document No. 449, offered as Prosecution Exhibit No. 130. This is an affidavit of the defendant Schroeder:

"I, Oskar Schroeder, being duly sworn, depose and state:

"1. I was born in Hannover on 6 February 1891. In 1910 I entered the Kaiser-Wilhelm Academy in Berlin to prepare for an army career in the Medical Corps. At the outbreak of the first world war, I was a non-commissioned medical officer and in 1916 after passing the state medical examination, I became second lieutenant in the medical corps. During the first world war I worked as a medical officer in the infantry, and after getting wounded, I became adjutant to the corps medical officer. I continued to serve in the army after the war. During the years 1920 to 1925, I received specialized training in Koenigsberg and Wuerzburg. On 1 January, 1931, I was transferred to the office of the medical inspector of the army and worked as a physician. I also worked on military hospital and administrative matters. In May, 1935, my old friend and fellow student, Hippke, asked me to become his Chief of Staff in the newly established medical department of the Reich Ministry for Aviation. I remained as Chief of Staff to Hippke; who in 1937 became known under the title of Inspector of the Medical Service of the Luftwaffe. In February 1940, I was appointed physician for Air Fleet II. In this position I had the rank of a Major General in the Medical Services. On 1 January 1944, I was appointed Hippke's successor and thus became Chief of the Medical Service of the Luftwaffe. Simultaneously, I was promoted to the rank of Lieutenant General in the Medical Service.

"2. The office of the Medical Service of the Luftwaffe was continuously occupied with various kinds of scientific experiments. This scientific research included high altitude,

freezing and seawater experiments which were conducted at the Dachau Concentration Camp. To this category belong the experiments that Dr. Hangan conducted with typhus and other vaccines.

"3. Experiments to make seawater drinkable were conducted in Dachau during the summer of 1944. The Luftwaffe was interested in developing a method of making seawater drinkable since fliers had to make forced landings on the high seas. The navy was also interested in this problem. We had two methods of making seawater drinkable; one had been developed by Konrad Schaefer, the other was an invention of Berka."

I might add parenthetically, Your Honors, that the Berka method was one which camouflaged the taste of seawater but not its toxicity, in which sugar and food extract was added, and in the Schaefer method a chemical process was used, which separated the salts from the water.

"Schaefer's method had several disadvantages which resulted from the bulk of the necessary equipment and from the lack of needed chemicals. Therefore the Inspectorate of the Medical Service of the Luftwaffe as well as the Technical Bureau of the Reich Ministry for Aviation discussed the possibility of employing the Berka method.

"4. Dr. Von Sirany, a Luftwaffe physician in Vienna had conducted certain experiments on human beings with seawater which had been processed according to the Berka method. These experiments indicated that the use of Berkatin caused diarrhea. The consulting expert on Aviation Medicine, Becker-Freysing, who had been my subordinate since January, 1944, (prior to this time Becker-Freysing had been assistant to Anthony who was chief under Hippke) took the position that the experiments conducted by Sirany were not conclusive since the conditions were not as difficult as

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as those on the high seas. Professor Appin or as well as Professor Hagenauer insisted that the Berlin method be developed until it could be used.

"5. Therefore, a meeting was called in May 1944, in order to discuss what further steps should be taken. Becker Freyseng and Schaeffer attended the meeting as representative of my office. As a result of the meeting it was decided to conduct further experiments on human beings supplied by the Reichsfuehrer SS, Himmler. Becker-Freyseng drew up a letter which was sent to Himmler. In this letter, which I signed, I asked Himmler for test subjects. The latter consented to the execution of these experiments, and they were then conducted in Dachau under the direction of Seydewitz's assistant, Dr. Baigolboeck, who supervised the experiments for the Luftwaffe. If I remember correctly, persons who had been sentenced to death were used as test subjects.

"6. Dr Eugen Hagen from the University of Strassburg conducted certain scientific investigations which included the development of typhus vaccines. Luftwaffe Sanitarian, Brigadier General, Med. Corps, Gerhard Ross supervised Hagen's research work. Ross worked on all hygienic problems on order of the Luftwaffe, as well as on his own initiative. Ross had to be informed of all research work which consultant hygienists, such as Hagen, conducted by order of the Luftwaffe. Becker-Freyseng was also familiar with these experiments. The above mentioned consultant hygienists of the Luftwaffe were paid on a retainer basis by the Luftwaffe.

"7. Hagen was a member of the Reich Office for Public Health prior to his appointment as professor of the University of Strassburg. His assistant was Dr. Dolan. Dr. Heinz Kalk was consulting physician of the Luftwaffe for internal medicine. Dr Kalk was Hagen's attending physician. Dr. Beechner is

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as those on the high seas. Professor Appin or as well as Professor Hensler insisted that the Berlin method be developed until it could be used.

"5. Therefore, a meeting was called in May 1944, in order to discuss what further steps should be taken. Becker Freyseng and Schnoeller attended the meeting as representative of my office. As a result of the meeting it was decided to conduct further experiments on human beings supplied by the Reichsfuehrer SS, Himmler. Becker-Freyseng drew up a letter which was sent to Himmler. In this letter, which I signed, I asked Himmler for test subjects. The latter consented to the execution of these experiments, and they were then conducted in Dachau under the direction of Enginger's assistant, Dr. Baigolboeck, who supervised the experiments for the Luftwaffe. If I remember correctly, criminals who had been sentenced to death were used as test subjects.

"6. Dr Eugen Haegen from the University of Strassburg conducted certain scientific investigations which included the development of typhus vaccines. Luftwaffe Sanitarian, Brigadier General, Med. Corps, Gerhard Rose supervised Haegen's research work. Rose worked on all hygienic problems on order of the Luftwaffe, as well as on his own initiative. Rose had to be informed of all research work which consultant Hygienists, such as Haegen, conducted by order of the Luftwaffe. Becker-Freyseng was also familiar with these experiments. The above mentioned consulting Hygienists of the Luftwaffe were paid on a part-time basis by the Luftwaffe.

"7. Haegen was a member of the Reich Office for Public Health prior to his appointment as professor of the University of Strassburg. His assistant was Dr. Schenk. Dr. Heinz Kalk was consulting physician of the Luftwaffe for internal medicine. Dr Kalk was Klock's attending physician. Dr. Buschner is

professor of pathology and was Director of the Pathological Institute of the Luftwaffe in Freiburg, and was senior physician for practical pathological research of the Luftwaffe. Dr. Zuchschwert was professor of surgery at Strassburg and consulting surgeon of Air Fleet III. Dr. Egbert Kaint was my Chief of Staff. His predecessor was Wullon.

"8. Karl Brandt, Handloser and Rostock were informed of the medical research work conducted by the Luftwaffe. Handloser was Chief of the Medical Service of the Armed Forces, and my superior in medical matters. Rostock was Chief of the Office for Science and Research under Karl Brandt who first was Commissioner General of the German Service and later Reich Commissioner. It was Rostock's duty to avoid duplication in the distribution of assignments in the sphere of medical research. Therefore, all distribution of assignments had to pass through Rostock's office. If, for instance, I assigned Koch or Haagen some research work, a copy would go to Rostock to inform him of the nature of the work. Then Rostock could tell whether that particular job had already been worked on by someone else or whether it could lead to worthwhile results. Copies of orders for research work also went to Handloser."

I now continue to page 6 of Your Honors' Document Book, which is Document No. 474, and will be offered as Prosecution Exhibit No. 131. I shall read the affidavit:

"I, Konrad Schaefer, being duly sworn, depose and state:

"1. I was born on 7 January 1911 at Muehlhausen, Alsace. I studied at the Universities of Munich, Heidelberg, Berlin and Innsbruck. I took my state medical examination in December 1935, at Heidelberg.

"2. In November 1941 I was drafted into the Luftwaffe, and ultimately obtained the rank of Assistenzarzt (2nd Lieutenant)

ant Medical Service.) The following year I was assigned to the Reich Institute for Aviation Medicine in Berlin. My principal work was medical research on sea emergencies, which included research for a method to make seawater potable. I worked out the theory of a process to make seawater potable, which was chemically developed by I. G. Farben. There was, however, another process under consideration by the Luftwaffe, called the Berka method.

"3. In May 1944 I was ordered by the Office of the Chief of the Medical Service of the Luftwaffe to attend a meeting called for the purpose of considering further research on making seawater potable. Present were Becker-Freysong, research advisor to Schroeder, Chief of the Medical Service of the Luftwaffe, Christensen of the Technical Bureau of the Reich Ministry of Aviation, and a number of other persons, including representatives of the Navy. It was decided at this meeting to conduct experiments on concentration camp inmates with the Berka process, although it was generally admitted that the Berkatit seawater process seriously impairs the health after 7 days, and causes death after 12 days at the latest. It was further decided that the human experimental subjects were to be fed only seawater, processed by the Berka method, for a period of twelve days. A committee composed of Professor Eppinger" who, by the way, recently committed suicide," Dr. Becker-Freysong, a representative of the Technical Bureau and a representative of the Navy, was appointed for the purpose of deciding the conditions under which the experiments would be carried out.

"4. Seawater processed by the Berka method had already been tested on human beings by Dr. von Sirany at Vienna in the Spring of 1944. On orders of the office of the Chief of the Medical Services I looked over Sirany's experiments

with Berkatit, and pointed out that the persons upon whom Sirany experimented showed diarrhea symptoms. I personally gave Becker-Freysong a copy of my report which was meant for Schroeder, and therefore Becker-Freysong and Schroeder must have known that the Berka Method was very dangerous. Becker-Freysong and I were of the opinion that Sirany's experiments were not consummated since they did not simulate actual conditions of a sea emergency.

"5. Before the experiments were started at Dachau, another conference took place in which among others, Prof. Heubner, Prof. Eppinger, Becker-Freysong, Berka and I took part. This conference was held in June, 1944. Heubner and Eppinger were of the opinion that it was impossible to judge the value of the Berka method in advance, and that experimentation was necessary.

"6. The experiments were carried out at the Dachau concentration camp by Dr. Beiglbock, in the summer of 1944. In October 1944, Beiglbock reported on these experiments at a meeting which took place in a bunker near the Zoological Gardens in Berlin. Schroeder, Becker-Freysong and I were present. It is possible that Dr. Schuster, an Air Force physician who worked at the Luftwaffe Medical Academy in Prague, was also present. Beiglbock showed those present at the meeting numerous charts of analyses of the urine and blood of the experimental objects who were given only Berkatit to drink. Photographs and films were also presented and various groups of experiments were discussed. On the basis of this report I estimated that 20 to 40 persons were used for these experiments, which were carried out during a period of seven to twelve days. Dr. BEIGLBOCK also reported that the experiments had resulted in swelling of the liver and nervous symptoms. Delirium and mental disturbances also appeared. As a result of this meeting, it was decided that

the Berka process was absolutely of no use to the Luftwaffe.

"7. It was an open secret in the highest medical circles that the Berka method was used on inmates of concentration camps. It was also known that seawater processed by the Berka method was substantially the same as seawater and was, therefore, exceedingly dangerous. I was always of this opinion, and personally advised Schroeder, Becker-Freyseng, Anthony, Christensen, Berka and Schickler of this, my opinion."

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This affidavit obviously, Your Honors, shows the complete knowledge of the Defendant Schaefer in connection with the scavenger experiments and indicates that he participated in the conferences prior to the actual experimentation, that at that time he contributed his little bit to each part of the conferences and later still, after the experimentation had been completed, he listened to the report and the results by the Defendant Beiglboeck. The documentary evidence which I will present in a moment shall well establish the arrangements and conferences which took place in order to formulate the necessary plans for the subsequent experiments on the inmates at Dachau concentration camp.

I now ask the Honorable Tribunal to turn to page 9 of the scavenger document book. This is Document No. ND-124 and is offered as Prosecution Exhibit No. 133. This is a letter -- pardon me, Your Honors, that is Prosecution Exhibit No. 132. This is a letter from the Technical Bureau of the RLM to Minister through Rudolf Brandt. I will read the document. This document is etc. etc. "secret" and has on the top "Mail Receipt Stamp of Personnel Staff of Reichsfuehrer SS"; on the letter-head of Reich Minister of Aviation and Supreme Commander of the Luftwaffe, from the Technical Office. Another note "(Please give in your answer to the above reference, date and short summary." The subject: "Scavenger experiments". Addressed to the Reichsfuehrer SS and Chief of the German Police, Personnel Staff, Berlin. "With reference to the inter-office conference between Colonel Engineer Christensen and Hauptsturmfuehrer Engineer Dohle, regarding the above mentioned letter, it is announced that two processes have been worked out by the office to render water potable: 1.) The I.G. method, using finely silver nitrate. For this process quite a large plant needs to be set up, which would require about 200 tons of iron and cost about 250,000 RM. The amount of the product needed by the Luftwaffe and Navy, requires 2.5 to 3 ton of fine silver a month. Besides, the water which is rendered potable by this preparation has to be sucked through a filter, in order to avoid absorption of precipitated chemicals. These facts show the application of this process

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Practically impossible. 2) The second process which was worked out is the so-called Berlin Method. According to this method the salts present in the seawater are not precipitated, but are so treated that in drinking, they are not disagreeable to the taste. They pass through the body without ever saturating it with salts and without causing an undue thirst. No special plants are necessary for producing preparations needed for this process; nor do the preparations themselves consist of scarce materials. It can be presumed that this method will be introduced in the Luftwaffe and the Navy in a short time. Now that German technical science has actually succeeded in rendering seawater potable for people in distress at sea, in accordance with the above, the knowledge as to how foreign countries intend to solve this problem is no longer a prime importance. Naturally the office is very much interested in ascertaining how above all the United States has solved this problem, and it is requested that this information be sought, without, however, compromising any person or any office too much. Should the office there be interested in the Berlin Method, let us know. Supplies can then be delivered. The cube displayed is not a preparation to render seawater potable, but a milk cube such as is already familiar to the offices." The signature of this letter is illegible for translation purposes.

The next document, Document No. 10-179, which is offered as Prosecution Exhibit 139, is a document which contains the reports on two meetings to plan the seawater research. This document is dated 23 May 1941, Technical Office, and there appears on the front page of the document a handwritten note: "Just received for reading given to Reichs-Doctoren", and then the initials R. Br., meaning Rudolf Brandt; then an error in a point referring to the Reichsrat 68 -- that is the office of Brandt. This document is the minutes of the conference in regard to new methods for making seawater drinkable, conference on 20 May

1941. "Present:

- 1.) Ministerial Councillor Dieckhoff, High Command of the Navy;
- 2.) Lieutenant Colonel Dr. Liesche, High Command of the Navy;
- 3.) Vice/Adm. Christian Dr. Helpey, High Command of the Navy;

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- 4.) Captain-Navy Dr. Laurens, Admiral of the Submarines;
- 5.) Lieutenant Commander Schoffland, High Command of the Navy;
- 6.) Lieutenant Schoenfeld, High Command of the Navy;
- 7.) Councilor Schulz, High Command of the Navy;
- 8.) Commander Kugelmann, High Command of the Navy;
- 9.) Councilor Haustein, High Command of the Navy;
- 10.) Colonel Eng. Christenson, German Air Ministry;
- 11.) Captain Eng. Dr. Schickler, RLM;
- 12.) Captain Berka, E-Tm, of Vienna;
- 13.) Captain Dr. Becker-Freising, Chief Medical Service, Luftwaffe;
- 14.) M.D. Dr. Schaefer, Medical Research Institute for Aviation.

"On 19 May 1944 a preliminary discussion was held at the German Air Ministry. Present were the following persons: Colonel Christenson, Captain Dr. Schickler, Captain Berka, Major Jowerrax, Chief of the Medical Service, Captain Dr. Becker-Freising, Dr. Schaefer and a Mr Pahl.

"At this meeting Captain Dr. Becker-Freising reported on the clinical experiments conducted by Colonel Dr. von Sirany, and came to the final conclusion that he did not consider them as being unobjectionable and conclusive enough for a final decision. The Chief of the Medical Service at this time, Defendant Schroeder, is convinced that, if the Sirov method is used, damage to health has to be expected not later than 8 days after taking Bicketit, which damage will result in permanent injuries to health and - according to the opinion of M.C.O. Dr. Schaefer - will finally result in death after not later than 12 days."

I may insert here that Defendant Schroeder and Defendant Schaefer had expressed an opinion, prior to the time that such experiments were carried out that such experiments would be dangerous to the health of the subjects used. Schaefer went so far as to say "will finally result in death after not later than 12 days". I will continue to read the document.

"External symptoms are to be expected such as drainage, diarrhea, convulsions, hallucinations, and finally death. As a result of the shelling;

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discussion it was agreed to arrange new series of experiments of short duration. A commission was to be set up for the arrangement of these series of experiments. This commission should be set up together with the High Command of the Navy at the conference on 20 May 1944.

- 1.) a) Persons, to be given sea water processed with the Berka method
- b) Persons, to be given ordinary drinking water
- c) Persons, without any drinking water at all
- d) Persons, given to drink according to the present method
(0.71 of drinking water for 4 persons and 4 days)

During the duration of the experiments all persons receive only an emergency sea diet such as provided for persons in distress at sea.

Duration of experiments: Maximum 6 days.

In addition to these experiments a further experiment should be conducted as follows: Persons nourished with sea water and Borkatit, and as diet also to emergency sea rations.

Duration of experiments: 12 days.

Since in the opinion of the Chief of the Medical Service permanent injuries to health, that is, to death of the experimental subjects has to be expected, as experimental subjects such persons should be used as will be put at the disposal of Reichsführer SS.

Dr Pahl reports that due to the latest improvements in the I. G. (Sigsbee concern) method smaller quantities of iron needed for the construction of the manufacturing equipment, than were originally provided and estimated by I. G. Dr Pahl reports further that if the Wofatit equipment which was to be constructed could not be used later for the manufacturing of the sea water preparation another use would be quite possible."

I will turn to page 15, a continuation of the same document. This is Professor Hopfinger of Vicenz, representative of the Chief of the Medical Service of the Air Force, representative of the German Air Ministry, Representative of the High Command of the Navy.

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"Captain Dr. Becker-Freising is being contemplated as representative of the Chief of the Medical Service. Captain Dr. Schickler and Captain Berka as representatives of G.I. and Professor Orzechowski as representative of the High Command of the Navy. It was decided that Berlin, German Air Ministry should be the meeting place of the commission. (The originally proposed meeting place was changed from Munich to Berlin after a telephone call of Dr. Becker-Freising's); and that time of the meeting should be 25 May 1944, 10:00 AM. It was decided that Dachau was to be the place where the experiments were conducted.

"Captain Dr. Becker-Freising would invite Professor Eppinger and would get in touch with the Reichsfuehrer SS. The High Command of the Navy would invite Professor Orzechowski."

"Distribution: High Command of the Navy--Medical Department, High Command of the Navy--Department for Research, Inventions and Patents, Research Operation of the Reich Ministry for Aviation and Supreme Command of the Luftwaffe.

then we have here "For Information of: "--I didn't notice this, Your Honor, until just now. I obviously have had Page 15 of this Document Book and Page 16 are in the wrong order. Page 15 should follow Page 16 where I have just read, "The commission which has to determine the conditions for the series of experiments still to be conducted is composed as follows: "--and on the top of Page 15 it starts with the Commission.

Page 4 of the original German Document, which is Page 17 of Your Honors' Document Book, gives the distribution list of the reports of these meetings. It's quite interesting, Your Honors.

"Medical Experimentation and Instruction Division of the Air Force Jüterbog." This Your Honors will remember was the same Schaefer who was listed in Document NO-402 which was offered as Prosecution Exhibit 93 the other day by Mr. McHany as the place from which the defendant Schaefer came; also, the defendant Schaefer is listed in this report, and now on the distribution list is his organization, which by the way was also the same organization that Holzschner of the freezing experiments came. This might indicate the reason for Schaefer being present at the freezing experiments conference at Nurnberg.

We also turn to the next on the distribution list, "Institute for Aviation Medicine, D.V.L., Berlin-Adlershof." That is Ruff's Institute--defendant Ruff's Institute.

We turn also--it goes down to the Reichsfuehrer-SS, and the Technical Academy in Vienna, which was the organization of Professor Eppinger. You will note this document was signed by C. Christensen, and immediately under that is a handwritten note, which isn't quite clear. It, however, indicates that the defendant Gebhardt comes into our picture in the sea water experiments. It shows the note "A-" and then the "RSHA," which is the Reich Main Security Office. And then a note, "Through asocial gypsies," and the name "Gebhardt." And the name Gebhardt underlined.

We now turn to Document No. NO-185 of Your Honors' Document Book, which is

offered as Prosecution Exhibit No. 134. This is a letter from the defendant Schroeder to Heinrich Himmler requesting experimental subjects. This letter is dated 7 June 1944. As you noted in the defendant Schroeder's affidavit, he said that this letter was prepared also by Becker-Freysong and signed by himself.

"To the Reich Minister of the Interior and Reichsfuehrer-SS. Through the Reichsarzt-SS and Police.

"Highly respected Reich Minister:

"Earlier already, you made it possible for the Luftwaffe to settle urgent medical matters through experiments on human beings. Today I again stand before a decision, which, after numerous experiments on animals and also on voluntary human subjects, demands final resolution: "--I might call to the attention of the Tribunal the words "voluntary human subjects," which indicate that they have completed their work as far as possible on volunteers and now must resort to concentration camp inmates.-- "The Luftwaffe has simultaneously developed two methods for making sea water potable. The one method, developed by a Medical Officer, removes the salt from the sea water and transforms it into real drinking water; the second method, suggested by an engineer, leaves the salt content unchanged, and only removes the unpleasant taste from the sea water. The latter method, in contrast to the first, requires no critical raw material. From the medical point of view, this method must be viewed critically, as the administration of concentrated salt solutions can produce severe symptoms of poisoning.

"As the experiments on human beings could thus far only be carried out for a period of four days"--obviously because they were working on volunteers at that time--"and as practical demands require a remedy for those who are in distress at sea up to 12 days, appropriate experiments are necessary.

"Required are 40 healthy test subjects, who must be available for 4 whole weeks. As it is known from previous experiments, that necessary laboratories exist in the concentration camp Dachau, this camp would be very suitable.

"Direction of the experiments shall be taken over by Stabsarzt lecturer Dr. Baiglbock, civilian profession: Chief Physician of the Medical University Clinic in Vienna (Professor Dr. Eppinger). After receipt of the basic approval, I shall list by name the other physicians who are to participate in the experiments.

"Due to the enormous importance which a solution of this problem has for soldiers of the Luftwaffe and Navy who have become shipwrecked, I would be greatly obliged to you, my dear Reich Minister, if you would decide to comply with my request. Signature: Schroeder."

This letter obviously indicates the position and stand of the defendant Schroeder who at this time was the Chief of the Medical Services of the Luftwaffe. Here he is asking Himmler for experimental subjects and obviously realizes that the ultimate result is death.

I turn now to Page 20 of Your Honors' Document Book which is NO-179 offered as Prosecution Exhibit 135. This is a letter from the Reichsarzt-SS, Dr. Ernst Grawitz, to Heinrich Himmler, dated 28 June 1944, concerning experiments in the concentration camp instigated by the Chief of the Medical Service of the Luftwaffe, addressed to the Reichsfuehrer-SS Heinrich Himmler, Field Command Post. Obviously, the Reichsfuehrer-SS was on a trip at this time.

"Top Secret (military)

"Reichsfuehrer:

"The Chief of the Medical Service of the Luftwaffe requests in the top secret (military) letter, enclosed herewith, that experiments be performed on prisoners in order to test two simple methods which seem to promise success for sea water potable.

"In accordance with your order of 15 May 1944, Reichsfuehrer, I have requested the opinion of SS-Gruppenfuehrer Professor Dr. Gebhardt, SS-Gruppenfuehrer Gluecks and SS-Gruppenfuehrer Nebe. They read as follows: "—You may turn back, Your Honors, at this time where Gebhardt was Chief Surgeon under the Reichsarzt-SS and there was an order existing that before any programs of experimentation took place, they must get the opinion of Professor Dr. Gebhardt. SS-Gruppenfuehrer Gluecks was in the WVHA under Oswald Pohl and SS-Gruppenfuehrer Nebe was Chief of the Reich Criminal Police.

"1.) SS-Gruppenfuehrer Professor Dr. Gebhardt:

"I deem it absolutely right to support the Luftwaffe in every way and to place the general physician of the Waffen-SS at disposal to supervise the experiments."

"2.) SS-Gruppenfuhrer Gluecks:

"Referring to the above letter, we report that we have no objections whatsoever to the experiments requested by the Chief of the Medical Service of the Luftwaffe to be conducted at the experimental station Rascher in the concentration camp Dachau. If possible, Jews or prisoners held in quarantine are to be used."

"3. SS-Gruppenfuhrer Nebe:

"I agree with the proposal to conduct experiments on prisoners of concentration camps in order to evolve a method for making sea water potable. I propose taking for this purpose the asocial gypsy half breeds. There are people among them, who, although healthy, are out of the question as regards labor commitment. Regarding these gypsies, I shall shortly make a special proposal to the Reichsfuhrer, but I think it right to select from among these people the necessary number of test subjects."

"Should the Reichsfuhrer agree to this, I shall list by name the persons to be used."

"To the proposal of the SS-Gruppenfuhrer Nebe to use gypsies for the experiment, I beg to raise an objection; to wit, that the gypsies being of somewhat different racial composition might possibly provide experimental results, which might not apply entirely to our men. It would, therefore be desirable, if such prisoners could be used for these experiments, as are racially comparable to European peoples."

"I request most humbly being granted your approval in order to start with the experiments."

"Heil H itler!" Signed: "Grawitz."

And there is a handwritten note: "Gypsies and for control three others."

Initialed: "HH"—initials of H. Heinrich Himmler.

You will note here the opinion of Grawitz when he states that "the gypsies being of somewhat different racial composition might possibly provide experimental results, which might not apply entirely to our men." It's interesting to note that they feel that experimentation on gypsies might not be the same as experimentation on the healthy European peoples, which might be comparable to the Nordic race.

MR.HARDY: We now turn to Document No. NO-183 which is Prosecution exhibit 136 - a letter from the defendant Rudolf Brandt to Dr. Grawitz.

"To the

Reichsarzt - SS and Police

SS Obergruppenfuhrer Dr. Grawitz,

B e r l i n

Subject: Experiments by the Chief of the Medical Service of the Luftwaffe.

Reference: Your letter of June 28th 1944.

Obergruppenfuhrer!

The Reichsfuhrer-SS decided, that according to suggestion of SS-Gruppenfuhrer Mebe gypsies should be used for the experiments. In addition three other prisoners shall be made available.

Heil Hitler !

signed: Brandt

SS-Standartenfuhrer"

So now the Luftwaffe have experimental subjects available to continued their research on somnifer. This next document, your Honor, page 23 of your Document Book, is NO-182 and is offered as Prosecution exhibit 137. Just the first sheet of the defendant Sievers entering this picture - this is a letter from the defendant Sievers to Grawitz. Also a copy to SS-Standartenfuhrer Dr.Brandt for information. Addressed:

"To the

SS-Obergruppenfuhrer

Reich-Arzt-SS and Police

Dr.Grawitz,

Subject: Experiments on the salubrity of somnifer.

Refer: Your letter of July 11th 44.

Dear Obergruppenfuhrer!

I want to inform you about my talks with SS-Hauptsturmfuhrer Dr.Plootner and Chief Physician Dr. Baiglboeck in Dachau on 20 July. There will be employed: 1 person in charge, 3 medical chemists, 1 female assistant, 3 ranks for supervision. Prospective time: 3 weeks. In our research station only the 40 experimental persons can be accommodated, otherwise there is absolutely insufficient room

since the section Ploetner is fully occupied and work can't be interrupted. Our laboratory is insufficiently equipped, since some essential equipment is wanting. In spite of serious difficulties the following agreement was arrived at:

- 1.) in the section Ploetner a desk will be reserved (in the laboratory).
- 2.) the remaining rooms will be placed at our disposal in our Entomological Institute for the time of three weeks. Wanting equipment must be provided by the Luftwaffe. Thus it will be assured that the female assistants can work in Dachau too, because the Entomological Institute is located outside the concentration camp.
- 3.) Billets must be arranged between the Chief Physician Dr. Beiglboeck and the Kommandatura, since we have no billets at our disposal.
- 4.) SS-Hauptsturmfuehrer Dr. Ploetner will give his assistance, help and advice. He was, however, not selected for internistic guidance, because that is being done by the Luftwaffe Physicians themselves.

The experiments are to begin on July 23rd, if until then experimental persons are available and the camp commander is in possession of the order of the Reichsfuehrer SS, he needs. Dr. Beiglboeck himself wanted to get in touch with SS-Hauptsturmfuehrer Frowein, Adjutant of the Reich-Arzt-SS on this subject.

I hope that this arrangement may permit a successful conduct of the experiments. When the results are reported at the proper time, please arrange to point out the participation resp. assistance of the Reichsfuehrer SS.

With best regards and

Heil Hitler !

signed: Sievers

SS-Standartenfuehrer"

This letter indicates that the defendant Sievers is here now making all arrangements for equipment, desks, everything to make it as easy as possible to conduct these experiments at Dachau.

This morning it was noted the witness Viewag said that he thought the Luftwaffe had an institute there. This is obviously the explanation for it.

The Military Institute which was at Dachau was under the control of Siavers. Here Siavers is setting apart a portion of that institute for use by the Luftwaffe to conduct those seawater experiments.

I now turn to Document no. NO-910 which is Prosecution exhibit 138. The next three exhibits, your Honor, are affidavits. These affidavits were obtained by our Document Chief from the Police Files in Vienna, Austria. They were sent to us as part of the Police Files and have been duly authenticated by our Document Chief. We have anticipated due to the fact that no certificate appears they would be questioned by defense counsel. They were received in due course of business and we offer them as true extracts of the Vienna Police files.

DR. STEINBAUER: I objected strongly to the reading of document 910. In order to save time object at the same time to the reading of documents 911 and 912. Article 10, of the Order 7 — even though Order 7, Article 10, establishes that the Tribunal is not bound to any specific order of evidence, nevertheless the same article gives certain directives for the evidence. Such documents as this can be accepted in evidence, including affidavits. If you look at the index of contents of Document Book V you will see that all three documents are listed as affidavits. Then if you look at the documents themselves you will see that neither 910 or 911 indicates for whom these affidavits were given. One was taken down in Vienna and the other in Klagenfurt at different times. The least one could ask would be that there should be some mention of the authority or some warning to tell the truth to the person who is testifying here. This is not the case in any of these three documents. The last document, 912, is headed "Police Main Office, Vienna, State Police Department 3". It is true that in Article 7 or Order 7 records of interrogations can be accepted as evidence if they are given before an authority of one of the United Nations. My country, Austria, unfortunately does not belong to the United Nations. I am an Austrian lawyer and know Austrian laws. Evidence cannot be accepted taken before an administrative authority but only evidence taken before judicial authorities. Therefore, there is no obligation for these persons to tell the truth and not even any request to tell the truth. The witness Pillwein who

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was the last one who was tested interests no especially. If the Tribunal would only read these so-called affidavits I, as defense counsel, would not have the right to cross examine on the most important points. I have applied for Pillwein as a witness before this Court. I, therefore, ask that all three of these so-called affidavits not be admitted in evidence.

JUDGE SEERING: Mr. Secretary General, will you pass out the original documents.

MR. TOLNEY: If the Tribunal please, it appears that each time the Prosecution wishes to introduce an affidavit we will be faced with this same question. I would like to say a few words generally first on that subject before getting down to the three affidavits now in question.

We are making every effort to bring before this Tribunal witnesses to testify with respect to facts that they know of their own knowledge. However, we cannot bring before this Tribunal all the witnesses whom we have available to us. We have now examined, as I recall, two witnesses before this Tribunal. The witness viewed consumed approximately four to six hours of the Tribunal's time, as I recall, and was cross examined by six or eight of the Defense Counsel. We propose to bring before this Tribunal between 15 and 20 witnesses. We also propose to ask this Tribunal to admit in evidence a substantial number of affidavits that have been taken from persons who were in a position to know the facts stated in the affidavits.

As to these three particular affidavits, you have heard the witness viewed testify concerning the sea-water experiments. We also had hoped to present at the conclusion of this portion of the case another witness, Heinrich Stor, who will testify about the sea-water experiments. We will, therefore, have had two witnesses before the Tribunal regarding the sea-water experiments. At the same time, we ask admission of three affidavits which are, in effect, cumulative evidence as to what the witnesses viewed and Stor have already testified or will testify to before this Court.

Obviously we cannot call into this Tribunal every person who has given an affidavit, and I submit that when the evidence given in the affidavit is cumulative, there is no reason whatsoever to refuse admission of the affidavit.

Now, as to the three particularly in question here, I think that it would be advantageous for us to look at them and see precisely what the objection is.

Now, Defense Counsel is apparently objecting that these affidavits are not sworn to; that is, that there is no notarization on the affidavits. Now, that is quite true. There is no notarization on them. Whether that is customary under Austrian law, I do not know. In our own country, affidavits, are, of course, generally excluded because they are hearsay. They are excluded because, firstly, it deprives the opponent of the right of cross-examination, and, secondly, because they are extra-judicial statements not given under oath.

Now, unfortunately, we here have an affidavit which is subject to both of these objections. Normally our affidavits are under oath. The reason these are not is because they were obtained, as Mr. Hardy explained, from the police files of the Austrian police, and the reason for that is because the defendant Reiglboeck was, as I understand it, at one time in the custody of the Austrian police. They conducted a very extensive investigation of this man, in the course of which they took the three statements which we now submit to the Court for admission.

Now, the only question is whether these affidavits are admissible before this Court. The probative value of them is something for Your Honors to decide, but I respectfully submit that they are certainly admissible under Ordinance Number 7, irrespective of the fact that they are not notarized or sworn to, an extra-judicial statement not under oath. The defendant will not have the right to cross-examine that man, but Article No. 7 clearly states that affidavits are admissible. I take it that it does not make any difference that both of the normal objections to hearsay are present in this case, while normally only one objection, the lack of the right of cross-examination, is present.

We got these affidavits only seven days ago, after considerable difficulty. We had no opportunity to any further into this matter, and so far as I can see we do not wish to call these three people here to testify because of the lack of time, and we do not think that it is necessary in view of the fact that we will have two witnesses testify to the sea-water experiments.

JUDGE SEBRING: What preliminary proof has been offered to this Tribunal that Document 910, purportedly signed by I. Bauer, is in truth and in fact the statement of I. Bauer?

MR. MCANNEY: Well, Your Honor, there is no proof of that at all, and I submit that there would be very little more proof of it if we add an attestation to the bottom of them. It would normally be given by a Notary Public in Austria, about which, of course, this Tribunal and myself would have no knowledge at all, so unless he attached some certificate of some sort proving who he was, I would assume that we would be no further along even if there were an attestation on it.

JUDGE SEBRING: What preliminary proof is there that this in fact was a statement taken by the police of Vienna?

MR. MCANNEY: The only thing that we would call proof on that would be the certificate that is attached to the original document now before the Court, certifying that it was taken from the file of the police department in Vienna; through the CIC detachment in Austria, in Vienna, we secured two files from the Austrian police force. We have the complete files. From those we removed these three statements.

JUDGE SEBRING: Do you state now that you have those files in your possession officially?

MR. MCANNEY: Indeed we do. They were sent to us by the CIC in Vienna.

JUDGE SEBRING: They are now in the possession of the Prosecution?

MR. MCANNEY: Sir?

JUDGE SEBRING: They are now in the possession of the Prosecution?

MR. MCANNEY: They are. I understand that the Vienna police have requested that they be returned. I do not think they have been returned.

JUDGE SEBRING: Could you produce them before the Tribunal?

MR. MCANNEY: I think we could, Your Honor.

THE PRESIDENT: The Tribunal will reserve its ruling until any such record has been produced before the Tribunal.

MR. MCANNEY: It is now just a few minutes before the noon adjournment, and I would like to raise only one other point that the Tribunal may wish to rule upon.

We now have in the Nurnberg jail a man by the name of Walter Neff, and the Tribunal probably has heard mention of his name in connection with some of the documents, particularly in connection with the high altitude and freezing experiments. Walter Neff was first a prison assistant to Dr. Rascher and was in September 1942 pardoned by Heinrich Himmler and eventually put in a police reserve unit. We think that it would be desirable for the Tribunal to hear the testimony of Walter Neff in connection with the experiments of which he has knowledge in Dachau.

The Prosecution has duly served notice of the calling of Walter Neff on the Defense Counsel on last Saturday, about 12 o'clock. The Prosecution, however, is reluctant to call Walter Neff as its own witness. The reason we feel that way is because Neff may very well be indicted and tried in this courthouse for his participation in the experiments at Dachau, and we would not wish to be bound by what he might testify to in this Court, particularly with respect to what he might have to say about his own participation in those experiments.

On the other hand, he has more knowledge about what went on in Dachau, I think, than any other living man, and I think it might be very desirable for the Tribunal to hear what he has to say. I request, therefore, that Neff be called as a Court witness; that is, the witness of the Tribunal, and in that way the Prosecution would be free to examine him to any extent that might be necessary and also, if necessary, to impeach him; but, even more important, if he is later tried, we would not be in the position of having relied on his testimony before this Tribunal and then proceed to try him and perhaps submit proof at variance with what he had to say here, especially with respect to himself. I would ask the Tribunal to make a ruling on that.

I do not know when it would be convenient for us to call Neff—possibly late today or sometime this week. In any event, we have four Polish witnesses in Nurnberg now. We have two witnesses from Strassbourg. I would like for them to be able to testify this week so they would not have to stay in

Murnberg over the recess. It might be that we would delay Neff's testimony, possibly until even after Christmas.

JUDGE SEYMING: Would it be your purpose, Mr. McHaney, in the event this witness was called to the stand and was required to testify, to use such testimony as might be elicited from the witness stand against the witness Neff in a subsequent prosecution?

MR. MCHANNEY: Well, that does not concern me quite so much as the possibility that he will take a defensive attitude as to his own participation in these experiments. I think that at that point his testimony may come into doubt. I think it would be fair if he were warned before he testified that anything he might say here could be used against him. It is just difficult to foresee what we might want to do with respect to his testimony at a later date.

THE PRESIDENT: The Tribunal will now recess until 1:30.

(A recess was taken until 13:30 hours.)

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THE PRESIDENT: The Tribunal will now recess until 1:30.

(A recess was taken until 13:30 hours.)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 15 December 1946)

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: If the Tribunal please, we were discussing, before the luncheon recess, the admission of documents Nos. 50-910,911 and 912. I am prepared now to submit, for the inspection of the Tribunal, the files sent us by the police in Vienna, and I have marked in these files the places at which the original affidavits appear. If these affidavits can be admitted provisionally at this time, the Prosecution will endeavor to secure, from the Chief of Police or the official in charge of the Vienna police, an affidavit giving the circumstances under which these statements were obtained.

THE PRESIDENT: The Tribunal will examine the files you have just passed up.

The Tribunal is of the opinion that these documents may be received in evidence subject to some later proof of the authenticity of the documents by exhibit of proof from some official in Vienna. In view of that ruling, does any of the Defense Counsel desire to be heard in regard to the provisional admission of these documents?

DR. FRITZ SAUTER (Counsel for defendant Ruff): If it please the Tribunal, I should like to ask that the name "affidavit" should be corrected. We are here concerned, according to what the Prosecution has said so far, with extracts from a police interrogation and we are not concerned with an affidavit. I therefore ask that the Defense be given the possibility to examine the documents in order to enable them to test the authenticity and correctness of the statements set forth therein.

MR. McHANEY: I am not sure that I understood all the remarks made by the Defense Counsel. We shall, of course, be quite glad to afford him the opportunity to inspect the statements in the original. As to whether they should be called affidavits or reports, I do not see that that is a matter of great materiality. They are not called anything in the document book itself. They are listed as affidavits in the index, but, of course, that is not a

part of the record of these proceedings. But we shall be glad to let him see the original reports.

THE PRESIDENT: As far as Exhibits 137 and 138 are concerned, they are simply what purports to be copies of signed statements made by certain persons whose names are signed to them. The last exhibit contains some sort of a copy of the certification that was taken before some officer. I would suggest that the matter be held in abeyance and the defendant's counsel be permitted to examine the records you have.

At the same time see what you can do toward supplementing these records unless the present records before the Tribunal are satisfactory to the defendant's counsel.

MR. MOHANEY: Well, do you suggest then that we do not now offer these as exhibits?

THE PRESIDENT: I suggest the statements be offered at this time; that their admission in evidence be not ruled upon until defendant's counsel has had a chance to examine the documents which are now presented by the prosecution.

MR. MOHANEY: For purposes of the record, would it be permissible for Mr. Hardy to offer these and read them into the record at this time and then have the formal ruling, perhaps tomorrow? Of course, we won't be able to secure all affi. vits from the Vienna police that soon.

THE PRESIDENT: Well, is it your purpose in making that suggestion simply to have a consecutive record?

MR. MOHANEY: Yes.

THE PRESIDENT: I think we might be allowed to read them in the record subject to objection and later ruling of the court, whether they should remain in the record or whether they should be stricken from the record.

MR. HARDY: We will all turn to page 25 of Your Honor's document book. This is 80-910, which is offered as Prosecution Exhibit No. 136, provisionally. This is entitled "Ignatz Bauer, Währingerstrasse 162, born on 2 June 1908, interned in the Dachau Concentration Camp from June 1944 to June 1945, Prison #73059, Vienna, 16 March 1946."

Entitled "REPORT, Experiments of the Luftwaffe performed under the direction of the Academic Lecturer Dr. BEIGLBOCK in the Dachau Prisoners' Hospital Barracks in Summer 1944."

"In summer 1944, shortly after my transfer to Dachau from a French prison I worked in the infirmary of the Light Station where I did physical therapy and made electrocardiograms.

"I think that about the end of July a sick-room for experimental

purposes was made available to the Luftwaffe. Several series of experiments were carried out forcibly, each one on about 15 gypsies. Their experiments were carried out in such a way that for 4 to 6 days these people did not get anything to drink or to eat except some saltwater (seawater.)

"From the second experimental series on, I had, apart from some electrocardiograms, to test the electric excitability of muscles and nerves of the patients and, therefore, had the opportunity to watch part of what was happening and to draw my own conclusions.

"The purpose of these experiments was:

"1. To find out how long it takes until a healthy human specimen without water and food, who at most is given some seawater, will fall in agony.

"2. to study thoroughly the symptoms of dying of hunger and of thirst.

"3. to test the effects of a serum, the composition of which is unknown to me, on the experimental subjects who were already dying.

"In the course of these hunger and thirst experiments, the patients were subjected to various tests, among others daily bloodletting and liver punctures were made. This was repeated frequently.

"Symptoms of death by hunger and thirst which were also perceptible to the laymen were:

"Visible deterioration of the patients, nervousness, agitation which, in some cases, mounted to the point of madness. (The raving people were tied to their beds.) Some of the patients showed signs of apathy and unconsciousness. In many instances, weakness of the heart could be observed.

"Subjectively, the patients suffered from gnawing hunger and, above all, from terrible thirst, which, through the drinking of saltwater, became even more painful. The thirst was so terrible that some patients did not hesitate to drink dirty water used for washing the floor. I saw one of these poor file falling on his knees, begging in vain for water. Doctor Beigelbock was pitiless. One youth, who succeeded in getting some water to drink, was bound to his bed

for punishment (whether by Seigelbock or another, I unfortunately do not now know; in any case, Seigelbock, as chief of this division, was responsible),

"To all these bodily torments was added the constant fear of death. For they knew that in other experiments at the real research station, the sadistic pseudoscientific curiosity of the SS had demanded constant sacrifice of lives. For this reason they all feared the same fate.

"When the patients lay, one by one, at the point of death, the aforementioned serum was injected, whereupon they recovered. But whether they became completely well again after all these bodily sufferings and mental tortures, I do not know, for I did not get to see these people any more. It is true that it is not known to me whether, in the course of events, lasting injuries or deaths occurred, but I consider this quite possible. To these enfeebled people, each "transport," each hard labor meant sure death, even though they received supplementary nourishment two or three days before and after the experiments. Everyone, including Dr. Seigelbock, was aware of the fact that the nourishment in the camp was absolutely insufficient, that the conditions of the work were murderous, and that the hygienic conditions and the conditions in the dormitories were beyond description.

"Were these experiments so important and so valuable for mankind in general that one was permitted to place human life at stake? Aside from the fact that one is not permitted to make harmful experiments on human beings against their will, as was done here, these experiments served only the warlike aims of the German Luftwaffe.

"Besides this, these experiments could have been carried out just as well if animals had been used for the purpose. The findings would perhaps have been even more accurate, but to these unscrupulous representations of the master race the "sub-humans" in the concentration camps were cheaper and were more worthless than guinea pigs or dogs.

"I would only like to add that one day I met Professor Springer in the infirmary in Dachau; he came from the direction of the aviation experiment station, where he saw to it that he was well informed by his pupil and assistant, Seigelbock, about the status of his experiments." Signed

"I. Singer."

We now turn to document NO-911, which is Prosecution Exhibit 139. This is a statement of Joseph Tschofenig, Kiosstaler Street 23, Klagenfurt, Austria.

"Klagenfurt, 7 February 1946.

"Questioned with regard to the occurrences at the Luftwaffe Experimentation Station of Dachau Concentration Camp, under the direction of Lieutenant Dr. BEIGELBOCK, I make the following assertions:

"I can no longer establish the exact date, but during the summer of 1944 the above-named carried out experiments in which a large number of prisoners had to drink sea water in order to determine how long they could stand this. Previously there had already been a Luftwaffe experimentation station at Dachau, which was headed by the Munich doctor, Dr. ASCHER. Innumerable deaths resulted from these experiments. It was one of the most feared experimentation stations in the camp. In 1944, a change in the direction of the experimentation station was going on; Dr. FICHTNER, an SS doctor who had formerly been active in the Berlin Station, became Dr. ASCHER's successor. A number of highly placed persons visited this station, among others the Reich Chief of Physicians, GOETL, Landesführer SS HILF, and, in 1944, the Vienna University Professor EPTINGER, whose name was kept secret but who was recognized by a Viennese medical student by the name of REISDORFER who was a prisoner there. EPTINGER could not help talking with him, tried to convince him of the high purpose of National Socialism and expressed surprise that he was to be found among these criminals. EPTINGER took over the experimentation station and an agreement was reached with Dr. FICHTNER to open a new experimentation station. After the Professor's departure orders were soon received to take room in the prisoners' infirmary for the new station and arrangements were made that these experiments could begin shortly. 60 gypsies, brought from Dachau Concentration Camp especially for this purpose, were selected for these experiments. Prof. BEIGELBOCK came with a staff of three Luftwaffe assistants, and the experiments began. As far as I know in various methods; starvation diets to begin with, sea water and salt diets, salt injections, and so on. The tortures led to enfeebling of the body which resulted in loss of conscious-

ness and, as far as I know, in one death.

"Even if occasionally the diet was improved, the people couldn't eat it. Some of the experimental subjects had cramps and manic attacks. ZEIGELBOCK delivered these so-called troublemakers to the SS, which treated them in the manner customary in the camp. Through these measures of force he was successful, in that the experimental subjects actually drank the salt water. It was known that the experimental subjects harried themselves on the floor mats used by the hospital attendants and sucked the dirty water out of them and tried in every conceivable manner to secure potable water. As in all the experimentation stations, it was ZEIGELBOCK's practice too to send these prisoners undermined by the experiments to the regular infirmary in order to conceal the number of deaths among the experimental subjects. The frequent letting of blood and the inefficiency with which this was done, also led to severe damage. The experiments lasted about six weeks. During these experiments other scientists also came to Dacha occasionally. It was known to us prisoners that only those people participated in these experiments who, as proven National Socialists, had the confidence of Hitler's most intimate staff, for the additional sufferings of the patients created in connection with the experiments were so obvious as not to be reconcilable with a physician's conscience.

"On account of my position as responsible prisoner at the X-ray Station of the prisoners' infirmary, I was in a position to gain insight into the experimentation station which, however, could only be superficial since this experimental station was kept separated and especially guarded within the prisoners' infirmary. Just to give one example:

"A German political prisoner, a patient in the infirmary, observed from the window the occurrences at the low pressure chamber which was standing in the courtyard. He was taken out by Stabsarzt RASCHER, put into the chamber, and a few hours later his body was in the morgue.

"The experiments in Dacha were carried out there because no one was held responsible for the injury or death of the available people. Every attempt by prisoners to avoid the experiments also resulted in death.

Therefore, even in the cases which did not result in permanent injuries, it was a matter of exploiting the hopeless position of the prisoners to carry out these criminal experiments."

"(Signature) JOSEF TSCHOFF-IG"

Court No. 1

16 Dec 46 - A - 14-1 - LJG- Lehnhardt

Police Main Office, Vienna

State Police, Dep. III

I, Deutschmeisterplatz

Vienna, 13 March 1946

Protocol

Re: Sewater Research

Mr. Fritz Pillwein, born 11 May 1919 in Vienna, a citizen of Vienna, single, no religion, student, residence: Baumgasse 31/10, Vienna, states as follows:

Concerning the seawater research at the Luftwaffe Experimental Station at Dachau, I can say the following:

The experimentation station was in Block 5; however, the patients belonging to this section were in Block 1/1. The head of this experimentation station, Dr. Seigelbock, was known to me from Vienna, G. I remember that gypsies of different nationalities from other concentration camps were used for these experiments. Forty-five of these were used directly in the experiments. Besides Dr. Seigelbock, an Unterarzt of North German descent, three chemists, as well as one French, 2 Alsatian, and one or two Spanish prisoners as laboratory assistants, were present at these experiments. The experiments were carried out from the middle of August until the end of September, 1944. I, myself, came to the station as a nurse about 10 days after the beginning of the experiments and remained there until the end of same. At the same time I was able to bring a second prisoner with me into the experimental station as an assistant nurse. His name is Joseph Worlieck and lives at the present time in Vienna, 18, Geymullergasse 24. He himself will surely be able to give further details about the experiments.

I cannot remember that there were any kind of visits from prominent personalities at the station at the time of my activity as nurse.

The experiments themselves were carried out in the following way: in the first three days the experimental subjects received sea distress care, consisting of one coco cola loaf, some Dextropur, several pieces of Zweiback (about 10-12 little pieces). From the first to the last day, the participants were given, besides this, salt water 4-5 times a day, in a total amount of 1/2 to 1 liter. The 44 people were sub-divided into 5 or 6 groups. Two groups received pure sea water, 2 other groups pure sea water with an added salt preparation, the remaining group received distilled sea water without addition. From the beginning, daily samples of blood tests were taken from the participants. With individual patients, the attacks of weakness and especially the thirst produced such crass effects that they could not leave their beds after only several days; I can remember one who broke into convulsive screaming. On several occasions these patients drank dirty water out of the pails of the attendants, as well as taking it in unguarded moments from the pails placed in the halls for air raids. While the floors were being washed, several patients sucked up the water that had been poured out on the floor. I had to weigh the participants daily and established the fact that the daily loss in weight amounted to as much as one kilo. After Dr. Beigelbock determined one day that several patients had drunk other liquids, the attendant nurse (a prisoner also) was put out of the infirmary. (This was a Yugoslavian who was doing night duty at the time).

When the people were chosen for these experiments, they were also promised better care for some time. In reality, this care was only accorded patients in the first group; all the others received water and skimmed milk for two days after the end of the experiment and about the third day were placed on the normal camp diet. The first group received some sausage,

bread, butter, cheese, marmalade, and 2 cigarettes for 4 or 5 days. I remember that disagreements arose between the camp administration and the competent authorities of the Luftwaffe since the Luftwaffe did not make sufficient provisions available for the diet. The ones who bore the brunt of this were naturally the participants.

We prisoners all knew that we would be used for such experiments also, just like other animals, for by such experiments the authorities at that time showed that they considered human beings at least on the same level as animals.

I know from hearsay from other experimental stations that many sacrifices of life were complained of. In most cases, the following measures were practiced: the patients were put back into the regular infirmary, in a very weakened and damaged condition, where they died after a short time. Further information can be given on this by a former fellow prisoner, Heinrich Stehr (Sudeten-German) who, to the best of my knowledge, has already been taken to the Munberg court.

read, approved & signed (V.G.G.)"

MR. HADY: Signed by the Interrogator. At this time, we have completed the presentation of sea water experiments. On another occasion, at a later date, we will ask permission to call witness Fritz Billwein. At present he is not available; we have been informed that he is in Munich, and that he will be here in a few days.

MR. McHANEY: Is the Tribunal prepared at this time to make a ruling with respect to the testimony of the witness Walter NEFF. It might be expedient to call him at this time;

THE PRESIDENT: The Tribunal is not prepared to rule upon the question of the testimony of the witness WALTER NEFF at this time.

MR. McLANEY: If the Tribunal please, we will at this time turn to the sterilization experiments, which are charged in Sub-Paragraph 6, "I" of Count 2, paragraph 11; and at Count 3 those who are charged with special responsibility for participation in the sterilization experiments are the defendants Karl Brandt, Gebhardt, Rudolph Brandt, Krugowsky, Poppendick, Brack, Pokorny and Oberhouser.

The documents which will be produced at this time are contained in Document Book No. 6, before the Tribunal now.

I would like to make clear at the outset of this presentation, that we are here concerned with sterilizations which were carried out pursuant to German practice on that subject. It is true, that in Germany, a Statute did exist which permitted sterilizations of certain persons under certain circumstances: particularly, those persons infected with inheritable diseases. Some such statutes exist in other countries, as I understand it, and, indeed, in several states of the United States. At the end of the proof on the sterilization experiments, there will be no doubt in the Court's mind that the sterilizations with which we are now concerned had nothing whatsoever to do with the German Practice. These sterilizations were carried out against so-called "enemies" of the German State, especially Jewish, and people of the Eastern countries. The weapon of sterilization was in fact used to permit the Crime of Genocide, which is the mass extermination of an enemy people; and that was the purpose of the sterilizations with which we are here concerned.

The first document will be No. 430 -- no, pardon me, -- "No. 440, which will be Prosecution Exhibit No. 141. This is an affidavit by the defendant Rudolf Brandt, and it reads as follows:

(Reading) "I, Rudolf Emil Hermann Brandt, duly sworn do

depose and state:

1. I am the same Rudolf BRIBET who already on 30 August 1946 furnished an affidavit concerning low pressure experiments which were conducted upon affidavit concerning low pressure experiments which were conducted upon inmates of the Dachau concentration camp. I further furnished certain other affidavits concerning medical experiments upon human beings.

2. For the same reasons, set forth in paragraph 1, 2 and 3 of my affidavit of 30 August 1946, I am in a position to draw up this affidavit concerning experiments on human beings.

Sterilization Experiments

3. HITLER was extremely interested in the development of a cheap and rapid sterilization method which could be used against enemies of Germany, such as the Russians, Poles and Jews. One hoped, thereby not only to defeat the enemy but to exterminate him. The capacity for work of the sterilized persons could be exploited by Germany, while the danger of propagation would be eliminated. This race sterilization was part of Hitler's racial theory; particular time and care were devoted to these sterilization experiments.

4. Surgical sterilization was of course known in Germany and applied. This includes castration. For mass application, however, this procedure was considered as too slow and too expensive. It was further desired that a procedure be found which would result in sterilization that was not immediately noticeable. Medical sterilization experiments were therefore conducted. Dr. MEDAUS had discovered that the drug "caladium seguinum" extracted from a North-American plant (Schwefelrohr) when taken or injected produced sterilization. Dr. Adolf FOKORNY in late 1941 drew Hitler's attention to this scientific research and suggested that it be perfected and applied again Russian prisoners of war.

5. As a result of POMMER's suggestion, experiments were conducted upon concentration camp prisoners in order to test the effect of the drug. Simultaneously, all efforts were made to cultivate the plant in large quantities. Oswald POHL, chief of the Economic and Administrative Main Office (WHA) took a personal interest in this matter. Kitchens were used, with a certain amount of success, to cultivate this plant, and the experiments were continued. I don't believe, however, that it was possible to produce sufficient quantities of this drug to make a large-scale application possible.

6. Dr. GLAUBERG developed further a method for the sterilization of women. This method was based upon the injection of an irritating solution into the uterus. GLAUBERG conducted widespread experiments on Jewish women and gypsies in the Auschwitz concentration camp. Several thousand women were sterilized by GLAUBERG in Auschwitz. Dr. Karl GEBHARDT apparently conducted surgical sterilization in the Ravensbruck camp.

"7. Sterilization experiments were likewise conducted with X-rays. Dr. SCHMANN applied this procedure in Auschwitz and sterilized a number of men.

"8. Dr. Karl BRANDT, Reich Physician SS Dr. GRABITZ and Dr. GEBHARDT certainly were familiar with this sterilization matter. BLUMENFELDER, POPPENDORF, and KRUGER probably had knowledge of it also.

"(Signed) RUDOLF BRANDT".

This affidavit of the Defendant Rudolf Brandt gives us a short statement as to the broad scope of the program and we now proceed to the German document which give us more detailed information concerning it. Next will be Document Number NO-036 which will be Prosecution Exhibit 142. This is a letter sent by the Defendant POKORNY in October 1941 to Heinrich Himmler. It is addressed to the Reich Commissioner for the Consolidation of German Volkdom, SS Himmler, Chief of Police, Berlin:

"I beg you to turn your attention to the following arguments. I have requested Professor Hochstetler to forward this letter to you. I have chosen this direct way to you in order to avoid the slower process through channels and the possibility of an indiscretion in regard to the eventually enormous importance of the ideas presented.

"Led by the idea that the enemy must not only be conquered but destroyed, I felt obliged to present to you, as the Reich Commissioner for the Consolidation of German Volkdom, the following:

"Dr. Sanders published the results of his research on a medicinal sterilization (both articles pronounced). Reading these articles, the immense importance of this drug in the present fight of our people occurred to me. If, on the basis of this research, it were possible to produce a drug which after a relatively short time, effected an imperceptible sterilization on human beings, we would have a new powerful weapon at our disposal. We then at once took the 3 million Polish, at present German prisoners, could be sterilized so that they

could be used as laborers but be prevented from reproduction, opens the most far reaching perspectives.

"Madaus found that the sap of the Schneigrahr (Caladium seguinum), when taken by mouth or given as injection to male but also to female animals, after a certain time produces permanent sterility. The illustrations accompanying the scientific article are convincing.

"If my ideas meet your approval the following course should be taken:

"1) Dr. Madaus must not publish any more such articles.

(The enemy listens.)

"2) Multiplying the plant (easily cultivated in greenhouses.)

"3) Immediate research on human beings (originals!) in order to determine the dose and length of the treatment.

"4) Quick research of the constitutional formula of the effective chemical substance in order to

"5) Produce it synthetically if possible.

"As German physician and Chief physician of the reserves of the German Wehrmacht, retired, I undertake to keep secret the purpose as suggested by me in this letter."

Heil Hitler !

(Signed) Dr. Pokorny
Specialist for skin and
venereal diseases."

The Defendant Pokorny will tell this Court a strange tale indeed with respect to this letter. I very much doubt that he will deny having written it and he, of course, cannot deny the subsequent proof that action was taken pursuant to his suggestion. He will, instead, insist that he was, in effect, doing the Russian prisoners of war and the Jews who were to be subjected to these abominable experiments, a good turn, that he had been told by SS men that these Russians and these Jews were to be exterminated and killed and that he, out of the goodness of his heart, conceived this idea of saving their lives. Instead of being exterminated they would be sterilized so that they could no longer produce children, be permitted to work in Germany and live out

their lives. That, in effect, will constitute the defense of Pokorny. I think if we put in no more evidence that surely the Defense could not get up and say that we are concerned in this case with sterilizations carried out pursuant to valid German Statute. But what happened as a result of this letter by the Defendant Pokorny? The subsequent documents give us an insight into that matter. Next will be Document Number NO-036, which will be Prosecution Exhibit 143. This is a letter from Heinrich Himmler to Oswald Pohl, dated 10 March 1942. Of course, as we have explained to the Tribunal, it is generally necessary to get in touch with Dear Pohl because he, after all was administratively in charge of the concentration camps; and so Himmler writes him this letter:

"Dear Pohl:

"I read Dr. Pokorny's very interesting memorandum and Dr. Madaus's publications on medicinal sterilization. I would ask you to get in touch with Dr. Madaus and to inform him, on my behalf, that he should not publish anything else on these questions of medicinal sterilization, and offer him possibilities of doing research -- in cooperation with the Reich Physician SS, on criminals, who would have to be sterilized in any case.

"The intended plan of research is, however, to be submitted to me by the office engaged on the subject."

"Heil Hitler!

Yours
(signed) H. HIMMLER"

A copy is sent to GRANTZ and here we see the first step taken in line with Pokorny's suggestion, first, that Madaus should be told not to publish any more articles and second, that research should begin and experiments be carried out on criminals.

We move along to Document Number NO-045, which will be Prosecution Exhibit 144. This is a letter dated 20 April 1942 from a member of Himmler's personal staff, the signature is illegible. It is to the Reich Physician SS, care of SS Obersturmfuehrer Dr. SCHOPFER, Berlin:

"Dear Hubert:

"After a long search I finally found the particulars you desired. Since this matter is still being dealt with by another office I can merely tell you in which journals Dr. Adams' articles appeared.

"In the 'Journal for the Entire Experimental Medicine,' special print from Volume 129, 1st no. 1, you will find an article 'Experimental Studies on Animals on the Question of Medicamental Sterilization.' Another article headed 'Magic Plants in the Light of Experimental Research' appeared in the 'Mensch,' Frankfurt, vol. 25 of 21 September 1941. You will certainly not find these journals in Berlin.

"I like this place out here very much and have already recovered from the Berlin hardships."

"Best regards,

"Heil Hitler!"

"Here next is Document Number MO-317, which will be Prosecution Exhibit 115, a letter dated 23 April 1942, again from the personal staff of Himmler, this time to the Chief of the Security Police, and the Security Service, SS-Gruppenführer Martin Bormann, Berlin:

"Included I am transmitting copy of a report on the status of experiments on animals regarding the question of sterilization by medicine with the request that it be duly noted."

"Here we see that Himmler's Office Personal Staff is writing these letters to various other offices within the SS, advising them of the experiments to be carried out.

"The next Document, Number MO-317, will be Prosecution Exhibit 116. This is from the Defendant's camp, Rudolf Brandt, dated 23 April 1942, to the Chief Physician SS, Berlin.

"I am sending you enclosed a copy of a memorandum by Dr. Adams, with a request to take note of it.

"Dr. Adams' publication 'Experimental Studies of the Question of Medicinal Sterilization of Animals' appeared in the 'Journal

for the Entire Experimental Medicine,' special reprint from
Volume 109, Book 1, while the article 'Logic Flante in the Light
of Experimental Research' was printed in the 'Geschau' (Review)
of Frankfurt, 25th year, Book 36 of 21 September 1941."

"By order

"(signed) R.R."

These are the initials of Rudolf Brandt.

The next document also still speaks of the Ladaus publications.
This is Document Number MO-038 and will be Prosecution Exhibit 147.
The date on this letter is just given as June 1942. This also is
from the defendant Rudolf Brandt to SS Obergruppenfuehrer Fohl, Berlin.

"Dear Obergruppenfuehrer:

"On 10 March 1942 the Reichsfuehrer-SS sent you a memorandum
written by Dr. Fekorny and the publication of Dr. Ladaus on
medical sterilization. In cooperation with the Reich Physician-SS
experiments were to be made accordingly.

"The Reichsfuehrer-SS inquired today as to how the things were
standing. I would appreciate getting information soon."

"Heil Hitler

Yours

R. Brandt."

The next document is No. NO-046 .., and will be prosecution Exhibit No. 143, and this gives us Pohl's report on what is being done. It is dated June 3, 1942, from Oswald Pohl to Himmler, Subject "Sterilization by means of Drugs." It says, "Re: Your letter of 3 October 1942." Your Honor, that obviously must be 1941. It should read March 10, 1942. "To the Reichsfuehrer SS. "Dear Reichsfuehrer: In reference to the above matter I had a conversation today with the director of the Adological Institute of Dr. WENDAUS & Co., at Radobaul/Dresden, Dr. phil. et med. Dr. E. KOCH.

I advised him of your desire to have publications on this subject discontinued for the time being. Dr. KOCH will comply with your request.

Furthermore, experiments have reached a dead point because the "Schweigrohr" grows only in North America and during the war cannot be exported in adequate quantities. Dr. KOCH's attempt to grow this plant from seed cultivated in hothouses have been successful, it is true; but the process is very slow and the yield is not sufficient to permit carrying on experiments on a large scale.

Dr. KOCH is hopeful that this will be remedied if it were possible for us to obtain permission for him to build a larger hothouse. I promised him this. For the time being this is the first and only practical step to promote the project.

I shall continue reports periodically.

Heil Hitler!

s/ Pohl."

JUDGE SEHRING: Mr. McHandy, will you refer again to the dates in your letter or document you have just read?

MR. McHANDY: The date, as I take it, is March 10.

JUDGE SEHRING: 1942?

MR. McHANEY: That is right, yes, sir.

JUDGE SEBRING: Then it refers to your letter of August 3, 1942; isn't that rather an impossible situation?

MR. McHANEY: I didn't understand the last, Your Honor.

JUDGE SEBRING: You say the letter is dated March 10, 1942?

MR. McHANEY: No, Your Honor, this letter is dated June 3, 1942.

JUDGE SEBRING: You say the correct date is 10 March 1942?

MR. McHANEY: No, the date I was correcting is contained in the reference within the letter itself. It originally read "Your letter of 3 October 1942." Do you find that, sir?

JUDGE SEBRING: Then it is the back of the letter, at the time it was received, 3 June 1942; is that correct?

MR. McHANEY: That is correct, sir. This letter, of course, indicated that difficulties are being experienced, and as we shall see happily enough the difficulties continued; but it does indicate they have been able to cultivate the plant on a small scale in hothouses, and that, in fact, they have carried out experiments, although, as stated, not on a large scale. And the subsequent documents show us they extended their efforts to close this plant by getting larger hothouses and they made efforts to produce the effective ingredients scientifically.

The next document, No. NO-046 b, will be prosecution Exhibit No. 149. This is a letter from the personal staff of Himmler, dated 11 June 1942. The translation notes the signature of sender illegible. It was sent to Obergruppenfuehrer Pohl. I think the letter is from Rudolf Brandt, since he was Obersturmbannfuehrer on the staff of Himmler, and the Court will also see his familiar initial "RB" on this document.

Court No 1

Your Honors may wish to look at this document, which concerns medical sterilization.

"Dear Obergruppenfuhrer:

"I have informed the Reich Leader SS of your letter of 3 June 1942. He asks you to see to it without fail that a large hot-house is set up as soon as possible for Dr. KOCH. He considers the experiment extremely important.

"The Reich Leader SS asks you to continue to send in further reports.

Heil Hitler"

and the signature is illegible.

The next exhibit, No. NO-044, which will be Prosecution Exhibit No. 150. This is a file note written by defendant Rudolf Brandt, dated 22 June 1942. It is headed "Document reference."

"During a consultation of the Wevelsburg on 19 June 1942 with SS-Obergruppenfuhrer POHL, I mentioned, among other things, the desire of the Reichsfuhrer to investigate still more thoroughly what the ingredients are of the American plant SCHWEIGHOHR which may be considered for sterilization. The Reichsfuhrer SS wished it to be determined if similar effective ingredients are contained in the plants which are to be found here or in any area accessible to us in Europe.

"The present support of the work of Dr. KOCH of the MADAM Institute shall be continued to the fullest extent.

"The Reichsfuhrer SS also requests that with the ingredients of this plant on hand sterilization experiments should now in any case be carried out in the concentration camps.

SS Obergruppenfuhrer POHL agreed to take the necessary steps at once."

Signed "Brandt."

The next document will be No. 050. It is Prosecution Exhibit No. 151. This is a letter written by a man named Fischer, who is not the defendant Fischer in the dock. It is written to the Reich Main Security Office, that is the RSHA, and is directed particularly - IV B 4, Attention of SS-Sturmabfuhrer Guenther, dated July 4, 1942

"With reference to our telephone conversation of 1 July 1942, I am transmitting to you the enclosed photostats of Dr. MDAUS' work. May I request you to work in closest collaboration with the agency of SS-Obergruppenfuhrer POHL in this matter."

Signed "Fischer."

I would like to call the Court's attention to the characters IV B 4. That refers to the attention of the department within the RSHA which was the Reich Main Security Office, the Chief, which at that time was Heydrich, who was assassinated in 1943 in Czechoslovakia. This particular department, IV B 4 was headed up the missing Adolf Eichmann. Eichmann, in this department having to do with the so-called Jewish question, which meant the extermination of the Jewish population in Europe. This man Gerland, to whom the letter was addressed, one of the so-called subordinates in the department. The reason it was addressed to him, this method of sterilization would be a solution to the Jewish question.

The next document, No. 051 which is Prosecution Exhibit No. 152, is dated the same date, 4 July 1942, and is also a letter from Fischer to the defendant Rudolf Brandt in the headquarters of the Fuehrer.

"I am sending you the enclosed copy of my letter to SS-Sturmabfuhrer Guenther of 4 July 1942 for your attention."

The next document No. 039, which will be Prosecution Exhibit No. 153, and we see that approximately 3 months after

the date of Pokorny's letter suggested this planning of medicinal sterilization, that another man by the name of Gerland has gotten the same idea and is now translating it to Himmler. This letter is from the Deputy Gauleiter of the Lower Danube, who is K. Gerland. Your Honor will find his name translated at the end of the document on Page 18 of the document book, as K. Gund. That is obviously a mistake, as you will see from the next document that will go in, which was a reply from Rudolf Brand to the letter I am about to read, and which is addressed to K. Gerland.

Prosecution Exhibit No. 153 reads as follows:

24 August 1942

"Sir, At the order of Gauleiter Dr. JURY, his staff have hitherto busied themselves to a partifular extent with problems of population and racial policy and problems of anti-social elements. Since the prevention of reproduction by the congenitally unfit and racially inferior belongs among the duties of our National Socialist racial and demographic policy, the present Director of the District for Racial Policy, Gaunauptstellenleiter Dr. FEHRINGER, has examined the question of sterilization and found that the methods so far available, castration and sterilization, are not sufficient in themselves to meet expectations. Consequently, the obvious question occurred to him whether genital incapacity and sterility could not also be produced in both man and woman by the administration of medicine or injections. So he came to the studies of the Biological Institute of Dr. MADAUS in Radebeul-Dresden on animal experiments for medicinal sterilization which became accessible to him through the Madaus Annual Report, IVth year, 1940, and are of the highest interest for our demographic policy. MADUS and KOCH found that caladium aquinum used in homeopathic doses, that is, administered in infinitesimal quantities, favorably affects genital power, sterility and frigidity (sexual indifference), so that clinical and medicinal research should not proceed without regard to this fact. It was established by an extensive series of experiments on rats, rabbits and dogs that in the administration or injection of caladium extract male animals became genitally unfit and females unreceptive and it could thereby be determined what differences were manifest in the effects of the various methods of inoculation. From the animal experiments it seems that a permanent sterility is liable to result in male animals and a more temporary one in females.

"It is clear that these observations could be of tremendous importance if alterations of genital power of fecundity could also be successfully brought about in human beings by the administration of Schwabigrohr extract. Research on human beings themselves would, of course, be necessary for this. Accordingly, the director of my Racial-Political Office points out that the necessary research and human experiments could be undertaken by an

appropriately selected medical staff basing their work on the Madaus animal experiments in cooperation with the pharmacological institute of the Faculty of Medicine of Vienna, on the persons of the inmates of the gypsy Camp of Lackenbach in the Lower Danube.

"It is quite clear that such research must be handled as a nationally important secret matter of the most dangerous character, because enemy propaganda could work tremendous harm all over the world by the knowledge of such research, should it come by such knowledge.

"Since these considerations are only a theory, the fundamental accuracy of which has already been established by animal experiments and the possibility of the application of which to human beings is highly probable, a mere indication can only be given of the prospects of the possibility of the sterilization of practically unlimited numbers of people in the shortest time and in the simplest way conceivable.

"In this connection, I may perhaps point out that it would surely be worth while to study the science, of the old cults and of their priestly castes bearing on the promotion and prevention of the human genital faculty and fecundity. Primitive, primeval populations which are close to nature also had and still have a very extensive knowledge of this subject without these things being known to Science. It is known, for instance, that the natives of South America attempted to bring the power of their enemies to extinction by administering *Schwaigrohr* (*caladium seguinum*) to them.

"I should be particularly thankful to you if you would give me your opinion in this respect when the occasion arises, or even order a concrete working plan to be submitted to you. Gauleiter Dr. JERY would personally have approached you with his plan were he not at present away on a vacation. Heil Hitler! Yours faithfully" (Signed) K. Gund.

I think it is marvelous to note that two people so widely separated as Mr. Gerland and Pokorny came up with such identical ideas.

The next Document is No. 040 - that will be Prosecution Exhibit 154. This is dated 29 August 1942 and is a reply by the defendant Rudolf Brant to the letter, which I have just read. It is to the Deputy Gauleiter in

Dear Sir: On account of the absence of the Reichfuhrer SS, who at present undertakes a long official trip in the Altreich, I am acknowledging your letter of 24 August. I can inform you that the subject of your inquiry addressed to the Reichfuhrer has already been known since last March and dealt with.

SS-Obergruppenfuhrer FOHL and SS-Gruppenfuhrer Dr. GRAWITZ are attending to it.

"There are difficulties insofar as the plant in question grows only in North America and on account of the war is not obtainable in sufficient quantities. The growing in hot houses is a very tedious process and the yield does not seem sufficient to carry out the planned experiments on a larger scale.

"I would be very thankful if you could inform me, whether the plant in question is possibly at the disposal of Dr. FERTINGER and what he considers the possibility of obtaining it.

"On the return of the Reichfuhrer SS I shall submit your reply together with your letter, a copy of which I have already forwarded to the SS-Obergruppenfuhrer FOHL and SS-Gruppenfuhrer Dr. GRAWITZ. Heil Hitler! by order of (Signed) Brandt."

He sends a copy to Pohl and Grawitz and a third copy for information as we see on the next page.

THE PRESIDENT: The Tribunal will now stand in recess for fifteen minutes.

THE AUSEN: The Tribunal is again in session.

MR. McRAE: If the Tribunal, please, we had reached Document NO-042, which will be Prosecution Exhibit 155. This is a letter dated 7 September 1942 from Oswald Carl Gerland, and is also in response to a copy of the letter which originally went to Hitler and which is Prosecution Exhibit 153.

"Dear Oswald Gerland, I received today a copy of the letter of 18 August 1942 of the Personal Staff to you regarding iodine.

"I can inform you that my suggestion the Reich Leader took up this problem many months ago. Since that time we have been co-operating intensely with Dr. Lohr in Dresden-Raschewitz, to whom the Reich Leader gave the exact order to continue the experiments with iodine as a special order and to abstain from any publication until the conclusion of these experiments and the exact results are on hand.

"I myself have personally instituted the negotiations with the Director of the Biological Institute at Jena, Dr. Bach, and also supervise the experiments personally, together with the physician of the Main Department, Dr. Overhagen, and the physician of the Main Department, Dr. Lohr.

"Only last Tuesday I was with him personally in Raschewitz, where we have informed ourselves of the state of the experiments.

"I believe that the matter is continuing well, from my point of view also. If you are interested I will inform you from time to time. With Hitler. Yours, Goebbels", with a copy to the defendant Rudolf Brendt and a copy to Goebbels.

This letter was in reference to Prosecution Exhibit

156. This is a letter from Oswald Pohl to the defendant Rudolf Brandt, dated 7 September 1942.

"My dear Brandt; I hasten to transmit to you a copy of my letter to the Deputy Gauleiter in Niederrhein, SS-Oberführer K. Gerland.

"Please inform the Reich Leader of SS troops that I personally went to Radebeul last Tuesday to be convinced of the state of affairs. The matter is running smoothly. I have now interested SS-Obersturmbannführer Lolling. We have agreed with Madaus to transfer the experiments to a concentration camp as soon as possible. I have sent a copy of this letter to the Reich Doctor SS and police SS-Gruppenführer Professor Dr. Grawitz. With best regards, Adolf Hitler, Maria Pohl."

The next exhibit will be Document NO-043, which will be Prosecution Exhibit 157. This is a letter again from Germany to the defendant Rudolf Brandt, dated 14 October 1942.

"Dear Comrade Brandt: SS-Obergruppenführer Pohl has informed me that the Director of his Main Office is already collaborating with the Madaus Biological Institute for research on the effects of caladium seguinum, so that the suggestion of my District Main Office Leader, Dr. Fahringer, becomes obsolete. I have today suggested to the Obergruppenführer, that Dr. Fahringer be allowed to try to produce a synthetic caladium seguinum in collaboration with an important Vienna biologist.

"Unfortunately, I must give a negative reply to your question as to whether Dr. Fahringer has the plant in question available. He considers the procurement of caladium seguinum possible by chemical means.

"It is also conceivable that one or the other of the sub-houses which are located in our climatically preferable District could be used for experimental purposes in order to be able to cultivate the plants at least to a sufficient extent for experimental purposes.

"I should be grateful if I could obtain the opinion of the Reich Leader in this matter and suggest that Dr. Fahringer

collaborate with SS-Obersturmbannführer Dr. Lolling.
Heil Hitler, Yours, K. Gerland."

The next document is NO-048. It is a letter from the
defendant Rudolf Brandt to SS-Obergruppenführer Pohl, dated
25 October 1942.

"Dear Obergruppenführer, I am sending you the copy of a
letter of SS Oberführer Gerland and a carbon copy of my
answer.

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"I couldn't ask the Reichsfuehrer SS but am convinced that he will certainly welcome the experiments to produce caladium seguinum synthetically.

"I would be grateful to you if you see to it that SS-Obersturmbannfuehrer Dr. Lolling contacts Dr. Fehring in this matter."

Document NO-049 which will be prosecution 160 -- yes, 169. It is a letter signed by Rudolf Brandt to Gerland, and it is the one undoubtedly referred to in Rudolf's letter to Pohl. It is dated the 25 October 1942.

"Dear Oberfuehrer, the Reichsfuehrer SS is at present away on official business. Therefore I cannot inform him of the contents of your letter which you wrote on 14 October 1942. I know however that he would agree to a collaboration of Dr. Fehring with SS Obersturmbannfuehrer Dr. Lolling.

"I have forwarded a copy of your letter to SS Obergruppenfuehrer Pohl with request to act accordingly. You will certainly obtain a reply from his office within the next days. Signed Rudolf Brandt."

This completes the documents on the medicinal sterilization phase of the case. The Tribunal will find that in the affidavit of the defendant Rudolf Brandt, which is Prosecution Exhibit 141, he states that experiments on concentration camp inmates were actually carried out with Caladium seguinum. The Prosecution very frankly concedes that it has no proof that this drug was effective in sterilizing people. We have found no one who was actually sterilized with it. I submit that it is without question a crime in any event. I very earnestly hope that the drug did not produce a permanent sterilization, and we can all be happy that if it did they were not able apparently to produce the plant from

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which they obtained this drug on a very large scale.

I turn now to the documents dealing with X-ray sterilization. The first of which is a rather long affidavit by the defendant Viktor Brack, and that is Document NO-426.

DR. SARVATIUS (Counsel for defendant Karl Brandt):
Mr. President, I object to the reading of this document.
According to the Golden Rule of

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evidence, only the best evidence can be brought here. Here the witness is a defendant in the courtroom himself. The statement which he has made has been established of lesser value. For my client I have considerable objections against this document. I could not cross examine the witness if the document is read now and later examination of the defendant Brack, if he should come to the witness stand, would not wipe out the impression which this document will make on the Court now. For that reason, I object.

MR. McMANEY: If the Tribunal please, the document which we had just come to deal with the question of euthanasia as well as X-ray sterilization. It was my plan to read this affidavit in full because I think that is necessary in order to understand the part on X-ray sterilization.

As to the objection, as to its admissibility at this time, it seems to me quite clear that this affidavit made by a defendant is admissible on any one of a number of grounds. It is certainly admitted into the record already a substantial number of affidavits by various defendants in the dock, which, of course, not only contained admissions against that particular defendant, but also against, perhaps, some of his co-workers. As to the right of cross examination, I cannot say -- Brack is a defendant here and he may take the stand, and I certainly assume that the counsel for Karl Brandt can call him as a witness and cross examine him as to the matters here stated; and I assume that he may do so at the conclusion of the reading of this affidavit if he so desires. However, I do not think that it is incumbent upon the Prosecution if they wish to introduce a statement

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made by a defendant which contains admissions against him primarily, they don't have to call him to the stand to do so. I submit that the document should be admitted now.

THE PRESIDENT: The objection to the admission of the document at this time is overruled.

MR. McHANEY: This document NO-426 will be Prosecution Exhibit 160.

"I, Viktor Hermann Brack, being duly sworn, depose and state:

1. I was born in Haren, Germany, on November 9, 1904 and studied Economic Science from 1923 until 1928. In December 1939 I joined the NSDAP and at the same time the SS. My party number is 173388 and my SS number is 1940. In the summer of 1932, Phillip Bouhler, then Reich Manager of the NSDAP, appointed me to the "Brown House" in Munich. In 1934, when Reichsleiter Bouhler was appointed Chief of the Chancellery of the Fuehrer of the NSDAP, I was appointed his Chief of Staff and later, in 1936, Chief of Department II of this office, located in Berlin. In accordance with my position, I held the title of Reichsamtsleiter. Eventually, I received the rank of Oberdienstleiter. In this capacity, my duties were of an administrative nature as personal representative to Bouhler as far as Department II was concerned.

2. By reason of this position and because of my personal contact with Bouhler, I obtained ample knowledge of the details of many of the activities in which Bouhler and various other high ranking personalities participated. From time to time, I had discussions with Bouhler and other persons participating in activities with which this office was concerned. In my position I was able to read a vast amount of correspondence addressed to Bouhler, received orders from him, and in numerous instances I personally handled, on my own initiative, various details of the particular matters involved.

3. Due to my position, I gained complete knowledge of the Euthanasia Program (Mercy Killing Program). Therefore, I am able to make the following statement on this subject.

THE EUTHASIA PROGRAM.

4. The Euthanasia Program was initiated in the summer of 1939 Hitler issued a secret order to Professor Dr. Karl Brandt, Reich

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Commissioner for Medical and Health Matters, and at that time personal
physician to the Fuehrer, and to Phillip Bouhler, charging them with
responsibility for the

killing of human beings who were not able to live, that is, the according of a mercy death to incurably insane persons. Prior to the issuance of this secret order, Bouhler had a conference with Dr. Brandt and Dr. Leonarde Conti, the Reich Chief for Public Health and Secretary of State in the Ministry of Interior. On the basis of this order of Hitler, Bouhler and Brandt were to select doctors to carry out this program. Inasmuch as the insane asylums and other institutions were functions of the Ministry of Interior, Dr. Herbert Linden became the representative of the Ministry of Interior. Dr. Karl Brandt and Phillip Bouhler appointed Professor Dr. Heyde and Professor Dr. Nietsche along with several other medical men to die in the execution of this Euthanasia Program.

5. Professor Dr. Karl Brandt was in charge of the medical section of the Euthanasia Program. In this capacity, as shown in the chart I have drawn dated 12 September 1946, Dr. Karl Brandt appointed as his deputies Professor Heyde and Professor Nietsche. In charge of the administrative office under Brandt was first Mr. Rohme and later Mr. Allers. Three different names were used by Brandt's section in order to disguise the activities of the organization. The names of the organization were as follows:

Reich Association, - Hospital and Nursing Establishments
Charitable Foundation for Institutional Care
General Patient Transport Corporation

6. In the early stages of this program, Dr. Karl Brandt visited Phillip Bouhler and discussed with him many details of this program. As a matter of fact, after such meetings between Brandt and Bouhler, I received many orders, more often from Bouhler than from Brandt directly.

7. In my capacity as Chief of Office II of Bouhler's Chancellery, I was ordered to carry out the administrative details of the Euthanasia Program. My deputy was Werner Blankenburg, who eventually became my successor, that is, in the beginning of 1942 when I joined the Staff SS. Van Geyener, Reinh. Verberg, and Dr. Havelmann were members of my staff.

8. In the Ministry of Interior, Dr. Linden was in charge of the

Euthanasia Program and his deputy was Councillor Franke. The Department for Public Health of the Ministry of Interior had authority over all insane asylums of the Reich, and in this position, my department as well as the office of Dr. Brandt had close liaison in order to efficiently operate this Euthanasia Program.

THE PROCEDURE

9. By order of Dr. Linden, the Directors of all insane asylums in the Reich had to fill out questionnaires for each patient within their institutions. These questionnaires were drafted by Buhler, Heyde, Kletsche and others in several of their many conferences. Then the questionnaires were forwarded to the Ministry of Interior to be distributed to the various insane asylums and similar institutions. Theoretically Dr. Linden's office had the questionnaires returned and then forwarded them to the administrative section of the office of Dr. Brandt.

The program was —

I am sorry, Your Honors, there are about two or three words there that I can't read.

* — the photostats of each questionnaire were to be sent to the office of Dr. Brandt to determine the status of each patient. The panel of experts consisted of about 10 to 15 doctors. I don't remember the names of all the members of this panel but Dr. Pfannenmüller, Dr. Schubert, Dr. Faltheuser, and Dr. Remoux are fresh in my memory in this connection. Each of these experts indicated by making a certain comment in the questionnaire whether or not the patient could be transferred to an observation institution and eventually killed. Then the questionnaire was forwarded to a chief expert. According to the regulation, the chief expert was only entitled to order the transfer of the patient when all four experts voted for the transfer. This chief expert also marked the questionnaire and then submitted it to Dr. Linden who ordered the insane asylum to transfer the patient to one of the observation institutions. Off-hand I can remember, among others,

the names of the following observation institutions: Eelfing-Haar,
Kempten, Jens, Buch, Arnsberg.

10. At those institutions the patients were under the observation of the doctor in charge for a period of from one to three months. The physician had the right to exempt the patient from the program if he decided that the patient was not incurable. If he agreed with the opinion of the chief expert, the patient was transferred to a so-called Euthanasia Institution. I can recall the names of these Euthanasia Institutions: Grafeneck, under Dr. Schumann; Brandenburg, under Dr. Hennecke; Hartheim, under Dr. Hennrich; Sonnenstein, under Dr. Schmalenbach; Hadamar — I do not remember under whose leadership — Bernburg, under Dr. Behnke or Dr. Becker.

In these institutions the patient was killed by means of gas by the doctor in charge. To the best of my knowledge, about fifty to sixty thousand persons were killed in this way in the period from autumn 1939 to the summer of 1941.

11. The order issued by the Fuehrer to Brandt and Buhler was secret and never published. The Euthanasia Program itself was kept as secret as possible, and for this reason relatives of persons killed in the course of the program were never told the real cause of death. The death certificates issued to the relatives carried fictitious causes of death such as heart failure. All persons subject to the Euthanasia Program did not have an opportunity to decide whether they wanted a mercy death, nor their relatives contacted for approval or disapproval. The decision was purely within the discretion of the doctors. The program was not restricted to those cases in which the person was 'in extremis'.

12. Hitler's ultimate reason for the establishment of the Euthanasia Program in Germany was to eliminate those people confined to insane asylums and similar institutions who could no longer be of any use to the Reich. They were considered useless eaters and Hitler felt that by exterminating these so-called useless eaters, it would be possible to relieve more doctors, male and female nurses, and other personnel, hospital beds and other facilities for the use of the Armed Forces.

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REICH COMMITTEE FOR RESEARCH ON HEREDITARY
DISEASES AND CONSTITUTIONAL SUSCEPTIBILITY
TO SEVERE DISEASES.

13. This committee, which was also a function of the Euthanasia Program, was an organization for the killing of children who were born mentally deficient or bodily deformed. All physicians assisting at births, midwives, and maternity hospitals were ordered by the Ministry of Interior to report such cases to the office of Dr. Linden in the Ministry of Interior. Then experts in the medical section of Dr. Brandt's office were ordered to give their opinions in each case. As a matter of fact, the complete file on each case was sent to the office of Bouhler and Dr. Brandt in order to obtain their opinions and to decide the fate of each child involved. In many cases these children were to be operated upon in such a manner that the result was either complete recovery or death. Death resulted in a majority of these cases. The program was inaugurated in the summer of 1939. Bouhler told me that Dr. Linden had the order to ask for the consent of the parents of each child concerned. I do not know how long this program continued since I joined the Waffen-SS in 1942.

THE CONNECTION BETWEEN THE EUTHANASIA
PROGRAM AND SS BRIGADENFUEHRER GLOBOCNIK

14. In 1941, I received an oral order to discontinue the Euthanasia Program. I received this order either from Bouhler or from Dr. Brandt. In order to preserve the personnel relieved of these duties and to have the opportunity of starting a new Euthanasia Program after the war, Bouhler requested I think after a conference with Himmler, that I send this personnel to Lublin and put it at the disposal of SS Brigadefuehrer Globocnik. I then had the impression that these people were to be used in the extensive Jewish labor camps run by Globocnik. Later, however, at the end of 1942 or the beginning of 1943, I found out that they were used to assist in the mass extermination of the Jews, which was then already common knowledge in higher party circles.

15. Among the doctors who assisted in the Jewish extermination program were Eberle and Schumann. Schumann performed medical experiments

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on prisoners in Auschwitz. It would have been impossible for these men to participate in such things without the personal knowledge and consent of Karl Brandt. The order to send these men to the East could have been given only by Himmler to Brandt, possibly through Bouhler.

THE STERILIZATION PROGRAM

16. In 1941, it was an 'open secret' in high party circles that the powers that be intended to experiment the entire Jewish population of Germany and the occupied countries. I and my collaborators, especially Dr. Havelmann and Blankenburg, considered this intention of the party leaders not worthy of the German nation and mankind in general. Therefore, we decided to find another solution to the Jewish problem which would tend to be less radical than complete extermination of a race. We developed the idea to deport all Jews to a far-off place and I can recall that Dr. Havelmann suggested the island of Madagascar for this purpose. In my office, we drafted such a plan and submitted it to Bouhler. Obviously, this plan was not acceptable, so we reached the conclusion that sterilization would be the answer to the Jewish problem. Since sterilization would be a complex program, we thought of sterilization by means of X-Rays. In 1941, I proposed the sterilization of Jews by means of X-Rays to Bouhler, but it was not accepted. Bouhler told me that such a program of sterilization by means of X-Rays would not be feasible as Hitler was against it. I continued to work on this program and eventually submitted a new project to the Reichsfuehrer SS, Heinrich Himmler. Dr. Havelmann submitted a report which indicated that the sterilization of human beings by means of X-Rays was medically impossible. Several months later Dr. Schumann received the order to carry out experiments on human beings to determine the effects of X-Rays for sterilization purposes. Himmler requested that the name of a suitable doctor should be given to him to carry out these experiments. I do not think that I suggested Dr. Schumann, who was expert in the Euthanasia Program and Director of a Euthanasia Institution, to Himmler. As far as I remember, Dr. Schumann submitted a report on his experiments to me or directly to Bouhler. I do not know whether the sterilization of the

Jews was actually carried out because, as I said before, I joined the Weissen SS and had no further dealings with this matter. Signed, Viktor Brack, Wurnberg, 14 October 1946."

The reason I have read this affidavit in full at this time is because it gives the Court an idea how the Euthanasia Program fitted in with the extermination of the Jews as well as the sterilization of the Jews and other so-called enemies of the Reich. This affidavit makes it very clear that the men who were trained over the period 1939 to 1941 in the extermination institutions here in Germany on insane persons were transferred then to the East and worked in collaboration with Globocnik and others in the extermination of the Jews there; and we also find that a prominent member of the Euthanasia Program, Dr. Schumann, was active with X-Ray sterilization in the concentration camp at Auschwitz. We, of course, will have occasion to refer back to this document when we come to that portion of the case dealing in detail with the Euthanasia Program.

MR. MCNEARY: We turn now to Document No. 203 and which will be Prosecution Exhibit 161. This is a letter from the defendant Brack to the Reichsfuehrer. It's dated 28 March 1941.

"Dear Reichsfuehrer:

Enclosed herewith for your information is the result of the investigations into the possibility of sterilization or castration respectively by means of X-rays. I request your instructions as to what further theoretical or practical steps, if any, are to be taken in this matter.

Heil HITLER!

"BRACK"

MR. MCNEARY: On the next page of the English Document Book we find the report referred to in the cover letter. This is part of the same document and is, of course, part of Exhibit 161.

"Report on Experiments concerning X-ray Castration "The experiments in this field are concluded. The following result can be considered as established and adequately based on scientific research.

"If any persons are to be sterilized permanently, this result can only be attained by applying X-rays in a dosage high enough to produce castration with all its consequences, since high X-ray dosages destroy the internal secretion of the ovary, or of the testicles respectively. Lower dosages would only temporarily paralyze the procreative capacity. The consequences in question are for example the disappearance of menstruation, climatoric phenomena, changes in the capillary growth, modification of metabolism, etc. In any case, attention must be drawn to these disadvantages.

"The actual dosage can be given in various ways, and the irradiation can take place quite imperceptibly. The necessary local dosage for man is up to 600 r, for women 300 to 350 r. In general, an irradiation period of 2 minutes for men, 3 minutes for women, with the highest voltage, a thin filter and at a short distance, ought to be sufficient. There is however, a disadvantage that has to be put up with: as it is impossible unnoticeably to cover the rest of the body with

lead, the other tissues of the body will be injured, and radiodermatitis, the so-called "Roentgenkater", will ensue. If the X-ray intensity is too high, those parts of the skin which the rays have reached will exhibit symptoms of burns - varying in severity in individual cases - in the course of the following days or weeks.

"One practical way of proceeding would be, for instance, to let the persons to be treated approach a counter, where they would be asked to answer some questions or to fill in forms, which would take them 2 or 3 minutes. The official sitting behind the counter could operate the installation in such a way as to turn a switch which would activate the two valves simultaneously, since the irradiation has to operate from both sides. With a two-valve installation about 150 to 200 persons could then be sterilized per day, and therefore, with 20 such installations as many as 3000 to 4000 persons per day. In my estimation a larger daily number could not in any case be sent away for this purpose. As to the expenses for such a two-valve system, I can only give a rough estimate of approximately 20,000-30,000 RM. Additionally, however, there would be the cost of the construction of a new building, because adequately extensive protective installations would have to be provided for the officials on duty.

"In summary it may be said that, having regard to the present state of radiological technique and research, mass sterilizations by means of X-rays can be carried out without difficulty. However, it seems to be impossible to do this in such a way that the persons concerned do not sooner or later realize with certainty that they have been sterilized or castrated by X-rays." Signed "Brack".

MR. MCHEANEY: I think this document is so clear and complete that any comment by me would be entirely out of place. We turn now to Document NO-204, which will be Prosecution Exhibit 162. This is a letter from the personal staff of Himmler to Victor Brack and this is dated 31 December 1941--no, I am sorry, your Honor, that's dated

12 May 1941. There's some handwritten figures on the top which referred to a later date. However, the date of the letter is 12 May 1941 and it is addressed to the defendant Viktor Brack.

"A little while before his departure to Greece by plane the Reichsfuehrer-SS gave me the order to thank you very much for your report about the X-ray castration experiments forwarded to us with your letter of 28 March 1941. He has read the report with interest and will discuss this question with you at the first opportunity.

MR. MCNANEY: A copy was sent to the Chief of the Security Police and of the Security Service SS Major-General Heyrich. The next document will be NO-205 and will be Prosecution Exhibit 163. It's again from the defendant Viktor Brack to the Reichsfuehrer dated 23 May 1942.

"Dear Reichsfuehrer,

"On the instructions of Reich-Leader Buehler I placed some of my men - already some time ago - at the disposal of Brigadefuehrer GLOBONIK to execute his special-mission. On his renewed request I now transferred additional personnel. On this occasion Brigadefuehrer GLOBONIK stated his opinion that the whole Jew-action should be completed as quickly as possible so that one would not get caught in the middle of it one day if some difficulties should make a stoppage of the action necessary. You yourself, Reichsfuehrer, have already expressed your view, that work should progress quickly for reasons of camouflage alone. Both points which in principle arrive at the same result are more than justified as far as my own experience goes; nevertheless would you kindly allow me to submit the following argument:

"Among to Millions of Jews, in Europe are, I figure, at least 2-3 Millions of men and women, who are fit enough for work. Considering the extraordinary difficulties, the labor problem presents us with I hold the view that these 2-3 millions should be specially selected and preserved. This can however only be done, if at the same time they are rendered incapable to propagate. About a year ago I reported to you that agents of mine have completed the experiments necessary for this purpose. I would

like to recall those facts once more. Sterilization as normally performed on persons of hereditary disease, is here out of the question, because it takes too long and is too expensive. Castration by x-rays however is not only relatively cheap, but can also be performed on many thousands in the shortest time. I think, that at this time it is already irrelevant whether the people in question become aware of having been castrated after some weeks or months once they feel the effects.

"Should you, Reichsfuehrer, decide to choose this way in the interest of the preservation of labor, then Reichsleiter BOUHLER would be prepared to place all physicians and other personnel needed for this work at your disposal. Likewise he requested me to inform you, that then I would have to order the apparatus so urgently needed with the greatest speed.

Heil HITLER!

Yours

Viktor BRACK"

MR. MCANNEY: Your Honors will recall that I stated that we are not here concerned with sterilization carried out on persons pursuant to the German statute dealing with hereditary diseases and the same statement is made in this letter in June 1942 by the defendant Brack. It says:

"Sterilization, as normally performed on persons with hereditary diseases is here out of the question because it takes too long." They were not using sterilization here as a way to eliminate hereditary diseases. They were using sterilization to commit the crime of genocide.

The next document will be NO-206, which is Prosecution Exhibit 164. This is a letter from Heinrich Himmler, dated 11 August 1942, to "Dear Brack":

"It is only today that I have the opportunity to acknowledge the receipt of your letter of 23 June. I am positively interested in seeing that the sterilization by X-rays is tried out at least once in one camp in a series of experiments.

"I will be very much obliged to the Reichleader Bouhler if, to begin with, he would place the expert physicians for the series of experiments at our disposal.

"I will mail a copy of this letter to the Reich Physician SS and to the competent Chief of the Main Office for Concentration Camps.

Heil Hitler!

Yours H. Himmler"

A copy to Pohl and a copy to Grawitz "For information. By order" and the familiar initials B.R., being the defendant Rudolf Brandt.

Now we turn to Document NO-207 which will be Prosecution Exhibit 165. This letter is dated 14 August 1942 and it is from Blankenburg who, your Honors will recall, was mentioned in the Brack Affidavit as his deputy and it is written to:

"Dear Reichsfuehrer:

"By order of Senior Colonel Brack, who in the meantime has been transferred to the SS-Division Prinz Eugen, I acknowledge receipt of your letter of 11 August 1942 concerning sterilizations. As permanent deputy of Oberfuehrer Brack, I shall immediately take the necessary measures and get in touch with the Chief of the Main Offices for the Concentration Camps.

Heil Hitler!

Yours very respectfully

Blankenburg."

The next document is NO-208 which will be Prosecution Exhibit 166. This is another letter from Blankenburg, dated 29 April 1944, to his "Dear Reichsfuehrer:"

"By order of Reich Leader Buehler I submit to you as an enclosure a work of Dr. Horst Schumann on the influence of X-rays on human genital glands.

"Previously you have asked Senior Colonel Breck to perform this work, and you supported it by providing the adequate material in the Concentration Camp Auschwitz. I point especially to the second part of this work, which shows that by these means a castration of males is almost impossible or requires an effort which does not pay. As I have convinced myself, the operative castration requires not more than 6 to 7 minutes, and therefore can be performed more reliably and quicker than the castration by X-rays.

"Soon I shall be able to submit a continuation of this work to you.

Heil Hitler!
Your much devoted Blankenburg."

and attached I thought we had the report but apparently we don't. But at this time I would ask the Tribunal to call to the stand the witness, Chaim Belitzki. We have only this morning at about 9:30 put in the defendants' information center the required notice of the calling of this witness. If there is any objection or any showing of inconvenience on the part of the Defense Counsel why, of course, we will postpone his examination until tomorrow morning. However, if there is no such objection it would fit in better into the record at this point, I think.

THE PRESIDENT: Is there any objection on the part of the Defense Counsel to calling the witness, Chaim Belitzki, at this time?

I hear none. The witness will be called.

CHAIM BELITZKI, a witness took the stand and testified as follows:

BY THE PRESIDENT:

Q. Is your name Chaim Belitzki?

A. Yes.

Q. I will administer the oath. Hold up your right hand and repeat after me:

I swear that the evidence I shall give will be the truth, the whole truth, and nothing but the truth, so help me God.

A. I swear that I will tell the truth and the full truth, as
help me God.

THE PRESIDENT: Sit down.

DIRECT EXAMINATION

BY MR. MCJANNET:

Q Your name is Chaim Balitaki?

A Yes.

Q When and where were you born?

A Dzialoszycki, Poland, 28 February 1920.

Q You are a citizen of Poland?

A Yes.

Q Are you Jewish?

A Yes.

Q What is your present place of residence?

A Konstancja on Lake Konstancja.

Q What is the street number there in Konstancja?

A Schaeferstrasse, 28.

Q Will you give the Tribunal a short statement of your life
history?

A Yes. Should I answer questions or shall I tell the story
myself?

Q Just tell me and tell the story of your life history in your
own words.

A Yes. First, I should like to ask the Court that my name
shall not be given to the press and no pictures to the press. I volun-
teered as a witness. That is the first thing, and now I will tell my
life.

My parents had a store at Dzialoszycki. I attended the school
and I am high school. In 1935 the Germans came and we had to move
to Berlin. I worked in a concern in Berlin in a laundry shop. After, I was
put in a ghetto and the last of August 1943, there was a transfer, a
resettlement and I was sent to Auschwitz. In 1942 my parents were resettle-
d together with my younger brother. They are no longer living. My two

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sisters were also put into labor camps and they are living. They are
with me.

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I arrived in Auschwitz. I was there in quarantine for four weeks. After the quarantine, I was put in camp 3 to work for road building. I was in camp 3 for four weeks. Then the block secretary told us that twenty men, and twenty to twenty-four healthy people, had to report for work. I didn't report. I was a little suspicious because they said "twenty to twenty-four years old." They were taken away. Later they came back. We don't know what had happened to them. They didn't want to tell us. They were afraid. They had to go back to work immediately. A few days later, they did not call for volunteers but, according to the alphabet, they took people -- a group of twenty men a piece. Because my name starts with "B", I was one of the first. We were taken to the women's camp at Birkenau. We waited about an hour or two hours. A Luftwaffe officer came -- a tall man -- on a motorcycle. He took us to a machine and sterilized us. It took about fifteen or twenty minutes. That hurt, and afterwards we had to put our clothes on and go right back to work. We had to work very hard. Some of us after two or three days -- some began to faint. They had to work anyhow until they fell down and then were taken to a hospital and I don't believe any of them are alive now.

After two weeks after the sterilization -- some of my comrades and I were taken in fact -- we had to walk to Auschwitz, and we were given an injection and put on the operating table. We were told nothing. We were ordered to get on the table. The operation was performed. My testicles were removed.

Witness, do not be afraid.

Please excuse me for crying.

I was there three weeks in the Auschwitz hospital. Then there was a collection and 60 of our lot were taken to the camp. Afterwards I was afraid and I left the hospital when I was still sick and went back to work. I was put to work. I had to work very hard and I was beaten very much. I went through a camp and I was lucky I got through it. Afterwards, I was there until the 18th of January 1945.

On the 18th of January 1945, the Russians were to arrive. We had to evacuate. We went on foot - a group of a few thousand people. A few thousand were shot on the way. Whoever could not keep up was shot. We were chased, we were beaten. We had to carry the guards' baggage although we were very weak and we came to Gross-Rosen. From there we were evacuated again to Dachau. In Dachau I arrived on the 28th of February 1945. I was there four weeks. We were put in a block -- Block 19. On one side was Block 17 and on the other side, 21. There were sick people there -- French, Poles and Russians -- they had typhoid fever. We were put in between so we would get sick too but that had no effect and, after four weeks, we were put in Waldlager near Maffing. That is about 80 kilometers from Dachau and we were put to work there. We were in the woods; there were no barracks. There were big ditches with a wooden roof on top. That is where we slept all winter. We were very cold. Three men had a torn blanket. I had very little to eat. I had to work very hard. We had to carry bags of cement to the construction site. We had to run; we were beaten very much. Every day a full car load of dead people were taken back from the camp.

Q. Witness, I will ask you a few questions now which I will want you to answer.

A. Witness. As ordered.

Q. This first time that you were sterilized was in October, 1943?

A. August, September -- that is right?

Q. And that was done by means of an X-ray machine?

A. That was done by rays. I do not know what kind of rays. I am not a doctor -- I only say what I know. A Luftwaffe

officer - a tall man -- did that. That is what I saw. I don't know what kind of rays they were.

Q. Did they protect your thighs with any sort of lead shooting or other material?

A. Yes, plates. Two plates were put between the legs.

Q. In spite of this protecting material did you receive burns on your thighs?

Q. Yes, I am still burned today. You can still see it today. It is still black.

Q. And then, as I understand your testimony, approximately two weeks later you had your testicles removed?

A. Yes.

Q. Do you know why that was done?

A. No. Because I am a Jew - I know that much.

Q. Do you know any of the doctors or other people in the camp who did these things to you?

A. No, but I asked at Auschwitz: "Who does these things?" I heard one name. The name of Dr. Schumann and I remembered that name and I remember it until today but I do not know that person myself.

Q. How many other boys were subjected to these rays with you the first time?

A. I started in with no more than twenty people, but transports were arrived all the time -- every few days, every few weeks. Many transports arrived.

Q. Did they tattoo a number on your forearm while you were in the camp?

A. Yes. I have a number 132266.

Q. Will you show that to the Tribunal, please?

A. Yes. (Indicating tattoo to Tribunal)

Q. Do you know whether or not any of the other boys who were sterilized with you died as a result of the sterilization?

A. From the sterilization, no. But later many were gassed. Very few are still alive.

Q. Did you have pictures made of you when you were here in Nurnberg several weeks ago?

A. Yes? In Nurnberg? Yes.

Q. I will show to the witness pictures which are documents NO. H19 and I ask you if these are pictures made of you in Hurnberg six weeks ago?

A. Yes.

Mr. McHANEY: If the Tribunal please, I offer these pictures as Prosecution Exhibit 167.

JUDGE SEBRING: I would suggest, Mr. McHaney, that they be offered as 167-A, B, C, D, and E if you are offering all of them.

MR. McHANEY: You are quite correct, Your Honor; I shall.

BY MR. McHANEY:

Q. Witness, you state you are now living in Xenstanco?

A. Yes.

Q. Are you living there with your sisters?

A. Yes; my sisters are in Xenstanco in a community home. They are with me.

Q. Do they know of your condition?

A. No.

Q. And that is the reason you asked the Tribunal not to permit the publishing of your name or pictures of you?

A. Yes, that is the reason. The reason is that I have many friends and I am very much ashamed. I ask once more that my name not be published in any way.

MR. McHANEY: I have no further questions--if the defense has no questions to ask.

THE PRESIDENT: It is the order of the Tribunal that no photographs of this witness be taken and published and no reference to his testimony be published by either the members of the press or anyone else. Do any of the defense counsel desire to cross-examine this witness? The Court will now recess until nine-thirty tomorrow morning. I want to make an announcement before we recess. In the morning the Tribunal will announce the ruling on the witness Woff whether he should be called and the matter will be discussed by the

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Tribunal this evening.

THE MARSHAL: The Tribunal will recess until nine-thirty in the morning.

(The Tribunal adjourned until 0930, hours, 17 December 1946)

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Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al., defendants, sitting at Nurnberg, Germany, on 17 December 1946, 0930-1630, Justice Beaumont, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal.

Military Tribunal I is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: Marshal, will you ascertain whether or not the defendants are all present.

THE MARSHAL: May it please Your Honor, all the defendants are present in the court.

THE PRESIDENT: The Secretary-General will note that fact for the record.

The Tribunal will now announce its ruling in the matter of the proposed witness Neff. The ruling of the court will be pronounced by Judge Sebring.

JUDGE SEBRING: Gentlemen of the prosecution and the defense, during the course of the trial session held yesterday afternoon the prosecution made an oral motion before the Tribunal that one Walter Neff be called to the witness stand as a court witness. As the Tribunal understands the assertions of the prosecution, they are that the said Walter Neff is believed to have been an eye witness to many of the allegedly criminal medical experiments for which the defendants are on trial; that he is one of the few eye witnesses available to the prosecution; that he is being personally held in physical custody by the occupational authorities upon suspicion of having been an active

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participant in such experiments; that he may in some subsequent proceeding be indicted for such participation in such experiments and be tried as a war criminal, which fact is known to him; that for this reason the prosecution is of the belief that the witness may prove to be a hostile witness and consequently, the prosecution does not care to call him as its own witness

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and thus vouch for this veracity or credibility. Now, on the other hand, does it want to take an unfair advantage of the witness by requiring him to make statements under the compulsion of an oath when such statements may be used against him in a subsequent criminal proceeding.

The Tribunal is concerned, of course, with learning the whole truth about the charges now pending against the defendants in the dock. At the same time, it is equally concerned with protecting the rights of persons who may be subsequently brought to trial on charges of criminality.

With these considerations in mind, the Tribunal has come to the following conclusions:

1. The witness Walter Neff will be called to the witness stand and placed under oath as a court witness under which status both the prosecution and the defendants will be permitted to examine him as though he were being interrogated on cross examination.

2. In order adequately to protect the rights of the witness, however, the Tribunal now advises the prosecution that when the said Walter Neff is brought to the witness stand and placed under oath, but before he has given any substantiated testimony, the Tribunal intends to warn him that because of possible active participation by him in certain medical experiments conducted at Dachau concentration camp on human subjects, the American authorities may decide to file criminal charges against him and try him as a war criminal. In which event any statements made by him under oath can and may be used against him in such prosecution; that consequently he may refuse to answer any questions put to him which in his opinion tend to incriminate him.

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HENRICH SPOER. At the present time I would like to ask that the witness Robert Levy be called to the stand to testify with respect to sterilization.

DR. SAVATJUS: (Counsel for the defendant ARL ERICHT) Mr. President, before the witness comes may I ask a question about the form of the affidavit which the defense can submit.

THE PRESIDENT: Does counsel mean a summary of the nature of the testimony which the witness will give?

DR. SAVATJUS: No, Mr. President. What I mean is the following, the sworn statements, written statements, which we want to bring in place of the witness in order to shorten the proceedings for other reasons, and in what form must we submit them; who can take this testimony. In the proceedings before the International Military Tribunal, a German notary, or in certain cases the attorney himself, could certify those affidavits. In the further course of the proceedings when the organizations were being tried it was decided that only an allied officer could make such a certification.

Now, I ask, I believe in the name of my colleagues as well, for a decision of the court as to the form in which we can submit such statements now. According to German Law it can be given only before a judge, so that a sworn statement in the form in which it is submitted under English and American Law cannot be given in Germany. Anyone can make an affidavit which is binding and under the signatures certify. That was the proceeding which was at first approved by the International Military Tribunal. Later a change was made in the case of the organizations. The witnesses in most cases were mostly in camps where there

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was an allied camp officer on hand to certify the statements. We get a number of letters and documents which we cannot submit without some statement as to whether they are sworn, certified, whether they actually come from the author.

We ask the court for a decision.

THE PRESIDENT: Counsel will submit in writing a statement of the place in which they desire the Tribunal to rule upon. It will be considered and an answer will be given as soon as possible.

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JUDGE SEBRING: Doctor, I am not so sure that I know the full import of your question. Is it this, that you are concerned when it comes time for defense counsel to present the cases on behalf of their clients, to know what the tribunal will require as a certification or a jurat to such affidavits as will be submitted by the defendants? Is that the import of your inquiry, sir?

DR. SEAVATIUS: Yes. To have no affidavit in the English sense, only a statement in lieu of it which is not made before a notary or any authority but which anyone can make in handwriting at any time. Only the signature must be certified. Under the German law the certification of the signature is not required but that is how it was ordered in the first trial.

JUDGE SEBRING: Can you state at this time from what sources these affidavits or statements will be obtained generally?

DR. SEAVATIUS: I did not quite understand.

JUDGE SEBRING: As I understand, you now are looking into the future with the purpose of determining, perhaps during the court recess, the type of affidavit or statements you will prepare when the time comes that the defendants must the charges of the prosecution. Is that true?

DR. SEAVATIUS: Yes.

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JUDGE SEHRING: Can you say now where generally these affidavits will be obtained? That is, will they be obtained from persons who are in the American Zone, let us say?

DR. SERVATIUS: They will be witnesses from all zones. I have received notices from Berlin from the British Zone; and I should like to submit them as affidavits. I should like to have a ruling of the Court as to the form in which they will be accepted.

JUDGE SEHRING: The Court has been giving some consideration to the possibility of a court-appointed official, perhaps a commissioner, who will have power either to approve forms or to certify affidavits or perhaps to be present at the time statements are taken. If he is appointed, you understand that he will be answerable only to the Tribunal and will stand as a disinterested and impartial court official as between the prosecution on the one hand and the defendants on the other.

But, as the presiding judge has suggested, if you gentleman will be good enough to prepare the nature of your inquiry in writing and place it before the Tribunal, the Tribunal then, I think, will be in a better position to rule.

DR. SERVATIUS: I will submit it in writing.

MR. McHANEY: I will ask that the witness Robert Levy be called to the stand.

THE PRESIDENT: The Marshal will summon the witness Robert Levy.

DR. ROBERT LEVY, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Will the oath be administered to this witness in French or in German?

A. French.

Q. Hold up your right hand. You will repeat the oath after me:

I swear to speak without fear or favor, to say the truth, all the truth and only the truth. I swear it.

(The witness repeated the oath.)

THE PRESIDENT: Sit down, please.

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Your name is Robert Levy?

A. Yes sir.

Q. You are a French citizen?

A. I am a French citizen.

Q. You speak both French and German?

A. Yes sir.

Q. But you prefer to be interrogated in French?

A. I should prefer to be interrogated in French.

Q. You were born May 20, 1894, in Detweiler-aux-Rhins, France?

A. Detweiler.

Q. What is your present residence address?

A. I am living at the present time in Strassbourg.

Q. And what is the street address there in case we should ever wish to find you again?

A. 13 Rue du General Gouraud.

Q. Thank you. Are you a doctor by profession, Witness?

A. I am a doctor and surgeon in Strassbourg.

Q. Will you please tell the Tribunal when and where you received your medical education?

A. I made my medical studies at the Faculty of Strassbourg from 1913 to 1920. I specialized from 1920 to 1924 in Strassbourg also.

Q. And did you practice in the Surgical Clinic of the Strassbourg University?

A. I specialized in the Surgical Clinic of the Faculty of Strassbourg.

Q. You took your state examination in medicine in 1920?

A. Yes sir.

Q. Did you obtain the degree of Doctor of Medicine at the Strassbourg University in 1922?

A. Yes sir.

Q. Did you practice in Paris?

A. I studied my special branch in Paris subsequently.

Q. Will you describe your practice following 1924; that is to say, what you did?

A. From 1924 to 1939 I was a specialist in Strassbourg.

Q. Were you attached to a hospital there?

A. I was clinical surgeon at the Surgical Clinic in Strassbourg.

Q. What did you do from 1939 on?

A. In 1939 I was mobilized.

Q. Were you an officer in the French Medical Corps?

A. I was a captain in the Reserve, a medical captain in the Reserve of the French Army.

Q. Where did you serve during the war as a medical officer?

A. During the war from the 1st of September, 1939, I was mobilized in the Army.

Q. But I say, where did you practice medicine?

A. I was chief medical officer of a formation in the Maginot Line.

Q. And approximately how many patients did you have under your supervision, Doctor?

A. Up to 1940 I should say I attended to about ten thousand sick or wounded.

Q. Were you captured by the Germans in June of 1940?

A. I was captured by the Germans on the 16th of June, 1940.

Q. What did you do following that time?

A. Up to the 1st of November 1940, in a Stalag in France, and then I was sent away. I was discharged because of my medical knowledge; and then I was demobilized at Limoges, in France.

Q. And did you then go to the occupied zone in France?

A. I went to that non-occupied region of France near Limoges. I was mobilized once more as a captain in the Medical Corps.

Q. Did you continue to practice medicine and surgery there?

A. Yes, I continued to be a surgeon.

Q. Doctor, did there ever come a time when you were an inmate at the Auschwitz Concentration Camp?

A. I was a prisoner at the camp, the Auschwitz Concentration Camp from September 1943.

Q. How long did you stay in Auschwitz?

A. I remained from the 4th of September, 1943, until the 18th of January 1945.

Q. Will you tell the Tribunal why you were arrested and imprisoned in Auschwitz?

A. I was arrested at Linoges by the Gestapo in September, 1943, for individual reasons and I believe on political counts afterwards. I was in the Linoges Prison until July, 1943, afterwards at a camp from the 22nd of July to August, 1943--afterwards for a few days in Camp Drancey near Paris; and from there, on the 2nd of September, 1943, I was deported.

Q. That is, deported to Auschwitz?

A. No, to Birkenau.

Q. And will you tell the Tribunal what Birkenau is?

A. Birkenau is another term which was also called Auschwitz 2 or Auschwitz 3. It was a camp where the gas chambers and the crematoria were. That is where on arrival those people were brought who were to be gassed or else those who after selection were destined to be gassed. Birkenau is near Auschwitz or at the camps which depended from Auschwitz and Birkenau. It was especially those people who came from the coal mines in the district.

Q. In other words, you would describe Birkenau as an extermination camp, Witness?

A. It was an extermination camp.

Q. Now, if I may go back a moment, when did you state that you were arrested by the Gestapo?

A. Yes sir.

Q. I say, what was the date when you were arrested?

A. On 12 May, 1943.

Q. You state that you were not picked up in a mass arrest, but rather that just you as an individual were arrested?

A. I was arrested as an individual.

Q. Can you tell the Tribunal a little more expressly why you were arrested?

A. I do not know. I was never told. I was given to understand that it was for political reasons, but I was never interrogated.

Q. Are you Jewish, witness?

A. I am a Jew.

Q. Now, when you got to Birkenau, did you have a number tattooed on your arm?

A. Number 145, 920 is tattooed on my forearm.

Q. Witness, will you show the Tribunal, please?

A. Yes sir.

(The witness shows his tattooed forearm to the Tribunal).

Q. Thank you, witness. Now, you state that your number was 145,920?

A. Yes sir.

Q. You arrived at Birkenau on September 2nd, 1943?

A. No, on the 4th of September, I left Drancy on the 2nd, but I arrived on the 4th.

Q. Thank you. Now, can you tell from your number and from the date when you arrived at Birkenau when a man with the number of 132, 206 probably entered Birkenau or Auschwitz?

A. I should say the end of July or the beginning of August, because I had some friends in Paris, who arrived on the 3rd of July and they had the numbers of 130,000.

Q. Thank you. Now, will you describe to the Tribunal in some detail what work you were doing in Birkenau?

A. When I arrived at Birkenau, I was placed with the doctors and dentists, who were placed apart in separate barracks. They did not work

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outside like other people who arrived with us. We had to fix the rations,
to sweep out the block and to clean the surroundings of the barracks until
the day - and that was about

ten days after we arrived - when a Polish doctor gave us a short and simple examination to see if we really were doctors, I thought at the moment. I was chosen to go to the central infirmary, which is the Krankenbau. I went there on October 5th, 1943. At first, I was a surgical assistant in the block for surgical cases. One month later, as the head surgeon of the surgical block, we had to look after all the sick who came in. These generally were people, who had either septic wounds, carbuncles, fractures or gun shot wounds.

Q Approximately how many patients did you have under your care at Birkenau?

A At that time I had from one hundred to one hundred and twenty sick under my care. Apparently later on, when I was senior doctor in charge of a large block, I had from 400 to 600 cases at the same time.

Q Do I understand that you became a chief surgeon in one of the wards?

A I became chief surgeon and also a medical doctor of the block. There were also people, who had internal diseases in that block.

Q As a result of your work in Birkenau, did you have occasion ever to observe any inmates at Birkenau who had been sterilized?

A After four or five weeks, there was a selection, which took from 80% to 90% of my cases away, in that way I could not say that I observed any results in looking after them.

Q We will come to that later, Doctor. I want to ask you as a result of your work if you had any occasion to observe any inmates at Birkenau who had been sterilized?

A I saw people who were sterilized in Birkenau. I came in September. I knew that people had arrived about one hundred young people were selected and they were Poles from the district of Auschwitz. These people arrived a short time before our arrival. All selected were young well built people in the best of health. At that time we did not know what experiments these young people were subjected to. From December on or perhaps in January, some of these young people were assigned to me as experimental persons in my department. They reported sick. They had saturation in the inguinal region and on their inside surface of the thighs. Owing to the questions I asked them, I could gather that these young men had been treated in the month of September, 1943, by x-rays and four weeks later most of them were operated on. They had had either one testicle removed or

perhaps both of them. These people showed signs of ulcerations, which we soon identified on account of the typical aspects, as radiodermatitis. These were ulcerations that showed no tendency whatsoever to get better, especially as we had so few scientific advantages at our disposal. We managed, however, to look after some of them, but most of them disappeared as a result of the periodical exterminations. I saw one young man, who managed to survive to the end until the camp was evacuated, that was in January of 1945 and he followed us when we were evacuated to Mauthausen. I did not see him when we arrived at Mauthausen and I do not think that young man, owing to the state in which he was, might have gotten as far as Mauthausen. Possibly, he was killed as were all the others, who were found killed with gun-shot wounds in the neck. They were found in mass graves.

Q I would like to go back for just a moment. You stated that in the latter part of 1943 you had approximately one hundred young Polish Jews under your care at Birkenau?

A They were not all Jewish Poles. There were people who belonged to all nations and nationalities and they were not all Jews. There were some Jewish, some Russians, some Frenchmen and Prisoners of War who had given trouble. I had the sick belonging to all nationalities.

Q And you examined these men - these boys - and you found that they had been subject to xray and that some also had their testicles removed - either one or both?

A Yes sir.

Q As I understand, you found that the scrotum and inner thighs of some of these boys had been subjected to xray burns or poisoning?

A Yes, they were extensively ulcerated and had radiodermatitis.

Q Did any of these patients die under your care?

A No, they did not die of radiodermatitis. They died because they were selected for gassing.

Q Now, based upon your observations as a doctor, can you give this Tribunal an opinion as to whether these xray burns or ulcers, which you have described, could be cured.

A I do not believe so. I do not think that that sort of ulcer is curable. At the present time there is no certain means of healing such wounds. On the contrary, very often these ulcerations become transformed into radio cancer.

Q Is a doctor can you tell the Tribunal why these men were castrated, after having been sterilized by x-ray?

A I supposed that these - or at least I supposed personally that the testicle was removed in order to make microscopic examination in order to determine the result of the x-ray treatment. I suppose that they subjected the people to various density of x-ray radiation in order to find what was required for the purposes desired.

Q Now will you describe to the Tribunal what effect these sterilizations had on these boys, that is to say, what psychological disturbances followed, if any?

A These boys who had been sterilized were damaged physically and psychologically also. Physically they were suffering from the enormous pains and radial dermatitis is an extremely painful affection. Apart from that they were psychologically diminished. They were no longer men. They were just human wrecks.

Q How long did you have many of these cases of sterilization under your treatment, Doctor?

A I observed during the year 1944, the last I saw after I quit or was evacuated, went with us to Mauthausen.

Q Now, Doctor, you have stated in an earlier point that you were able to observe the selection of prisoners for gassing in Birkenau?

A Very often.

Q Were executions carried out on a large scale?

A Executions were operated on an immense scale, of course, more or less regularly this occurred and the Chief of the Camp, Lagerarzt, in the last days of the camp, he made all of the patients get out of the beds and he made them file past entirely naked, looking especially at their state of thinness and by raising a finger on one side or the other, he indicated the victims, and their serial number was immediately written down by the guard and fourteen hours later they left naked in lorries in the direction of the gas chambers.

Q Can you give any estimate of the number of people who were exterminated in Birkenau during the period that you were there?

A No, during the entire time I couldn't evaluate the number, but in January, 1944, it was generally admitted that about four and a half million victims had died.

Q The figure, four and a half million, which you have given us, is, of course, a figure which covers the whole period of the war?

A Yes, it covers the period beginning in 1940 and 1941 with the Poles.

Q Now as I understand it, Doctor, certain of these people who were exterminated in Birkenau were physically selected in the wards where you worked, is that correct?

A Yes, but there were also some who were selected as soon as they arrived at Birkenau. There were entire train loads who never came into the camp proper, and especially it was so in 1944, from June, 1944, onwards when there were large arrivals from Hungary, mass arrivals in June 1944, and in twenty-four hours twenty-two thousand human beings were exterminated.

Q Now, Doctor, do I understand that there was included for extermination people unable to work?

A I don't understand your question.

Q Was it a policy at Birkenau to exterminate those people who were unable to work?

A Anybody who could not work and those who looked rather thin and who seemed to be more or less sick was exterminated. Then there were many people in the camp there was a lot of exterminations going on. And when the camp was not so full the rate of extermination was slower.

Q Now did they include as a policy people who were suffering from tuberculosis for extermination?

A For consumptives the process was very simple. Anybody who had a bacillus or tubercular germ in his sputum or who seemed more or less ill was sent into the gas chambers.

Q In other words, anyone with tuberculosis was exterminated?

A In practice, yes.

Q And were any of these tubercular patients who were exterminated from Poland?

A Yes, Poles and Russians, those in general they were Jews, that is at the time when I was there.

Q Now, doctor, can you state whether foreign workers were included in this extermination action?

A No, I have not seen prisoners of war belonging to other countries. I saw a few French and Russian prisoners of war but they died of aden or general starvation.

Q Doctor, I don't think you quite understood the question. I was asking whether or not people who, that is, foreigners who had been deported to Germany to work, that is forced laborers, were subsequently executed at Birkenau because they were no longer able to work?

A No, I didn't see any.

Q Now, Doctor, you stated that you left Birkenau in January, 1945?

A Yes sir.

Q And you then went to Dachau Concentration Camp?

A To Dachau.

Q And when were you freed from Dachau?

A We were liberated by the American army on the 5th of May, 1945, and we were evacuated to France on the 17th of May, 1945.

Q And what have you been doing since that time, Doctor?

A After my arrival in France I was so ill I was quite unable to work for six months and in November, 1945, I started to work at Strassbourg and have once more established a practice as before the war and am a practicing doctor there.

THE COURT: I have no further examination at this time.

THE PROSECUTION: Has defense counsel any cross examination of this witness?

The witness will be excused.

MR. NEHAHY: The Prosecution will continue now with the presentation of documentary evidence on the charges of sterilization in the indictment. We have covered up to this point medicinal sterilization as promulgated by the defendant Porkorny. We have also covered to some extent sterilization carried out by means of x-ray and surgical operations as promoted in part by the defendant Rascher and others of the defendants. We now turn to documents which deal with the sterilization of women by the so-called Clauberg method, which, as I understand it was sterilization resulting from injections of the irritating solution in the uterus during an ordinary routine gynecological examination. The first document now on this subject which we have to offer is document No. 214. This will be Prosecution Exhibit No. 168.

THE PRESIDENT: On what page of your document book is that found?

MR. NEHAHY: That is on page 51, Your Honor.

This is a letter dated 30 May, 1941, from the deceased, Dr. Grawitz, the Reich Physician SS to the Reich Fuehrer of the SS, that is to say, his personal staff, and in the upper right hand corner of that document you will see the name "Wolff" handwritten. That apparently is Karl Wolff, who was on the personal staff of Heinrich Himmler. This is a memo in regard to the treatment of the sterility of women. Reference: Report to the Reich Fuehrer SS on 27 May, 1941:

"In the following I submit a list of the specialists in charge of the treatment of sterility of women according to the method of Professor Clauberg:

- "1. Professor Clauberg, Hospital of the Society of Women.
- "2. Colonel SS Professor Dr. von Wolff.
- "3. Major SS Professor Dr. Guenther K.F. Schultze, University Clinic for Women."

Signed, "Grawitz".

The next document is NO-211, which will be Prosecution Exhibit No. 169. The date on this letter appears on page 54 of the English document book; it is 30 May 1942. It is a letter from Professor Dr. Clauberg, Chief Physician of the Gynecological Clinic of the Knappschaft Hospital and of the St. Hedwig Hospital. It is to the Reichsfuehrer SS Hitler:

"Dear Reichsfuehrer:

"In answer to my letter of 5 June 1942 concerning the Research Institute for Biological Propagation, I received at that time by return mail the answer of your personal adjutant, SS Sturmbannfuehrer Brandt, dated 19 June 1942, saying that you, Reichsfuehrer, would come back to my expose as soon as possible. Without any doubt the far more important events of the war which happened shortly afterwards prevented this.

"If I may remind you briefly, the continuation of my work had been rendered impossible because of the problem of carrying out the procurement of female concentration camp inmates. At the occasion of a scientific discussion with the Stabsfuehrer of your office here, SS Obersturmbannfuehrer Dr. Arit, I also happened to speak about my research activities in the field of biological propagation. Dr. Arit told me then that the one person in Germany today who would be particularly interested in these matters and who would be able to help me would be you, most honorable Reichsfuehrer. In his capacity as a member of the SS and Stabsfuehrer of your office here, I then told him briefly that I had already submitted this matter to you.

"After this discussion, I most obediently take the liberty of asking

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you to make it possible for me to carry out these tasks here in Upper Silesia.

"In order to explain what would be necessary at the moment-- that is, at least for the time being--the two most urgent questions and fundamental problems should be stated briefly once more:

"A. In the question of the positive population policy, the eventual or most probable importance of agriculture, for the female capacity for propagation demands clarification.

"With reference to B--which is, of course, the negative population policy--" sterilization with operation.

"1. Occasional special illness for five to ten women--single rooms or rooms for two persons--corresponding to the conditions of sick rooms.

"2. Special X-Ray apparatus with installation and accessories.

"3. Smaller outfit of instruments and material.

"Reichsfuehrer: Without wishing to anticipate your decision, I am taking the liberty of proposing that the experiments necessary for A and B be carried out at the Auschwitz concentration camp and that the facilities there be used. As I already told you in the course of our oral conversation, I would very much please to work under you as head of an experimental institute, directed exclusively by you. I believe that in view of the procurement of the land, the necessary animals, the attending personnel, and the human material to be provided, an annex to your camp in Upper Silesia would offer the best facilities. Cash would be needed only for the procurement of:

"With reference to A:

"1. Animal material.

"2. Material for the animals' stables and shelters.

"3. A conscientious working person to attend them.

"With reference to B:

"4. Special accommodations for five to ten female camp inmates engaged in experiments.

"5. Eventually a special X-Ray installation." And lastly,

"6. Smaller outfit of instruments and material.

"Reichsfuehrer: The explanations and dispositions made here are related to the fact that the most necessary and most urgent means for the solution of this problem should once be created and set in motion. My suggestions are absolutely adapted to the present time and attempt to meet the circumstances. As one problem arises from the other, or, I should rather say, as many further problems arise from one and from there new ones will arise, the ideal pattern of such a 'Research Institution of the Reichsfuehrer SS for Biological Propagation', the establishment of which is to be considered, would present itself as an entity, on the one hand far greater in scope, on the other hand more concentrated and closely knit in scope. Enclosed is short sketch is added as a suggestion for that purpose. This suggestion is to demonstrate the possibility of realization of all the thoughts discussed and submitted to you.

"Heil Hitler.

"Your most obedient, Professor Glueckert."

I think it is unnecessary to read this draft of the Research Institute for Biological Propagation. It reports in large part what he has already stated, and it outlines again what will be needed for his great and worthy project of learning how to most effectively sterilize helpless women in concentration camps. And it is most interesting to note how he attempts to flatter the Reichsfuehrer by stating that he will found this biological institute and name it after the Reichsfuehrer SS, and what great things it is going to do.

We turn now to Document No-216, which will be Prosecution Exhibit No. 115. This is a memorandum dated July 1942. It is signed by the defendant Glueckert. Note: "Top Secret".

On July, 7, 1942, a discussion took place between the Reichsfuehrer SS, Reichsfuehrer Professor Dr. Schmidt, SS Brigadefuehrer Glueckert and SS Brigadefuehrer Kluebert, Local Committee. Topic of the discussion was the problem of Jewish women. The Reichsfuehrer SS has promised SS Brigadefuehrer Glueckert that the Jewish concentration camp will be

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at his disposal for his experiments on human beings and animals. By
means of some

fundamental experiments - it should be found which would lead to sterilization of persons without their knowledge. The Reichsfuehrer SS wanted to get another report as soon as the result of these experiments would become known, so that the sterilization of Jewesses could then be carried out in actuality.

"It should also be examined, preferably in cooperation with Professor Dr. Schlofker, and X-Ray specialist in Germany, in what way sterilization of men could be achieved by X-Ray treatment."

"The Reichsfuehrer SS called the special attention of all gentlemen present to the fact that the matter involved was most secret and should be discussed only with the officers in charge, and that the persons present at the experiments or discussions had to pledge secrecy."

Signed, "Brandt".

This document very clearly indicates the purpose behind these sterilization experiments: They were hunting for the most effective, if not the only way to wipe out the Jewish race by means of sterilization. It involved the crime of genocide, and not simply the crime of sterilization.

THE PRESIDENT: At this time the Tribunal will recess for fifteen minutes.

(... recess was taken)

THE PRESIDENT: The Tribunal is again in session.

MR. DANIEL SHILLER: Your Honors, the attorneys for the prosecution are unexpectedly delayed for a few minutes. I am sure they will be here in a moment or two.

MR. MCLENEY: If the Tribunal please, the next document is MS-213, which will be Prosecution Exhibit 171. That is a letter from the defendant Rudolf Brandt to Professor Gleiberg. It's dated 10 July 1942:

"Dear Professor:

"I am with the Reichsfuehrer -SS charged me with transmitting on his wish that you go to Ravensbruck after you have had another talk with SS-Obergruppenfuehrer Pohl and the Camp Physician of the women's concentration camp Ravensbruck, in order to perform there the sterilization of the Jewesses according to your method.

"Before you start your job, the Reichsfuehrer-SS would be interested to learn from you how long it would take to sterilize a thousand Jewesses. The Jewesses themselves should not know anything about it. As the Reichsfuehrer SS understands it, you could give the appropriate injections during a general examination.

"Thorough experiments should be conducted to investigate the effect of the sterilization largely in a way, that you find out after a certain time, which you would have to fix, perhaps by X-Rays, what kind of changes have taken place. In the one or the other case, a practical experiment might be arranged by locking up a Jewess and a Jew together for a certain period and to see then what results are achieved thereby.

"I ask you to let me know your opinion about my letter for the information of the Reichsfuehrer-SS.

"Heil Hitler!

"Signed: Brand, SS-Obersturmbannführer."

The second copy of this letter went to SS-Obergruppenführer Pohl in Berlin with the request to acknowledge. SS-Obersturmbannführer Kogel also got a copy for the information of the Camp Physician. Moreover, the Reich-Physician-SS and the Reich Main Security Office got a copy.

The third copy went to SS-Obergruppenführer Grawitz, the Reich Physician SS.

A fourth copy, to Kogel in the WVHA; and the

Fifth copy to the Reich Main Security Office for again SS-Sturmabführer Gunther in Office IV B 4, which is noted as the Department for Jews.

And a handwritten note SS-Gruppenführer Mueller, who is also in the Reich Main Security Office, with the initial Br. which is the defendant Brandt.

This letter again indicates the true purpose of these sterilization experiments, and here the defendant Rudolf Brandt is suggesting that they carry out experiments on a thousand Jewesses to see just how long it would take before the method was applied on a large scale to wipe out the Jewish race. And he even goes further and makes the abominable suggestion that in order to determine the effectiveness of the sterilization upon the unsuspecting Jewess, that she and another Jew be put together in a room to see what effect this sterilization method had upon her.

I turn now to Document NO-215 which is another file note. This is dated 11 July 1942. There is no signature on the document; however, I think without question, that it was written by the defendant Rudolf Brandt, and we see the typed initials under the date in the lower left hand corner, "Bra/Jr," which very likely means Dr. Brandt -- the defendant Rudolf Brandt being called a doctor of law. This document will be Prosecution Exhibit 172.

"On 8 July 1942, the Reichsführer-SS, had a conversation with SS Brigadeführer Gluecke, SS-Brigadeführer Gebhardt and Professor Clausberg.

"The subject of this conversation was the sterilization of Jewesses in concentration camps on a large scale. It was agreed that the Lustwitz camp will be put at the disposal of Professor Clausberg as an experimental station. After the initial experiments, the Reichsführer-SS desires to have a report for the practical realization of sterilizations on a larger scale.

"Moreover, the eventual consultation of Professor Hohlfelder as an X-Ray specialist to try sterilization of man by X-Ray treatment was discussed.

"Altogether the Reichsführer-SS agrees that all necessary material will be made available to Professor Clausberg, for all experiments he intends to make.

The Court will note that this Prosecution Exhibit 172 is quite similar to the file note which we put in under Prosecution Exhibit 170, the name of Hohlfelder as the X-Ray specialist who will turn up again in the proof on the extermination of the tubercular Poles. The Court should not conclude that because of the kind of X-ray mentioned in some of these documents dealing with the Clausberg method, but his was a sterilization by means of X-ray. I think the fact

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is that his method of sterilization was through the injection of some sort of solution into the uterus; and frequently in order to determine how far the solution had penetrated, X-Rays were taken.

The next document is NO-212, which will be Prosecution Exhibit 173, and here the good Dr. Clauberg is finally reporting on how long it takes to sterilize a thousand Jewesses. This is a letter by Clauberg to Himmler. It is dated 7 June 1943. "Dear Reichsfuehrer: Today I am fulfilling my obligation to report to you from time to time about the state of my research work. In doing this I am -- as before -- adhering to my procedure to report only if the matter is essential. The fact that -- after my most recent interview in July 1942 -- I could not do so before today, is due to temporary difficulties in detail against which I myself was powerless, and with which I could not bother you, Reichsfuehrer. I mention as an example that only since February 1943 am I in possession of an X-ray installation, which is of great value to my special research. In spite of the short period of actually only 4 months, it is already today possible to report to you, Reichsfuehrer, the following: The method I contrived, to achieve the sterilization of the female organism without any operation, is as good as perfected. It can be performed by a single injection made from the entrance of the uterus in the course of the usual customary gynaecologic examination as known to every physician. If I say that the method is 'as good as perfected', this means: 1.) Still to be worked out are only minor improvements of the method. 2.) Already today it could be put to practical use in the course of our regular eugenic sterilizations and could thus replace the operation. As to the question which you, Reichsfuehrer, asked me almost one year ago, that is to say, how much time would probably be required to sterilize 1000 women by using this method, today I can answer you with regard to the future as follows: If my researches continue to have the same results as up to now -- and there is no reason to doubt that -- then the moment is no longer far off when I can say: 'by one

adequately trained physician in one adequately equipped place with perhaps 10 assistants (the number of assistants in conformity with the desired acceleration) most likely several hundred -- if not even 1000 per day! Please permit me to postpone my report about the other part of my researches (positive population policy) because it will take some time until something essential can be said in this field. Reichsfuehrer! The main reason for my reporting to you just today (that means shortly before the possibility of even more final results) is the following: I know that the settlement of the last part of this particular complex of problems -- in contrast to the external forces which determined the progress so far -- depends now almost entirely on me. In this connection, several minor but nevertheless fundamental changes would be necessary which only you, my dear Reichsfuehrer, can personally direct and order. I had hoped that I would be able to give you personally a short description of these requirements in the event of a visit to Obersachsen. Since I did not have this opportunity until now, I am asking you today for your decision. In addition I should like to make a further request. It was SS-Brigadefuehrer Dr. Blumenreuter who finally managed to get me the one suitable X-ray installation. I am in urgent need of another installation of the same kind and he informed me in February that he had such another one stored in Berlin. He was ready to deliver it to me if I would secure your approval. May I ask you, Reichsfuehrer, for this approval? Heil Hitler."

Signed: Clauberg.

Here we see, although he has made little or no progress on his positive population policy, which was the study of food and its effect upon propagation, he has made considerable progress in his negative population policy or the policy of genocide, and he is here able to report that from 200 to even a thousand Jewesses could be sterilized in one day by his

method.

I turn now to Document NO-210, which will be Prosecution Exhibit 174. This is a letter from Professor Clausberg to the defendant, Rudolf Brandt. It is dated 6 August 1943.

"Dear Obersturmbannfuhrer: Enclosed you will find a receipt for your letter to me of 18 June 1943, in response to a reminder referring to it dated 22 July 1943. I have to beg your pardon for the delayed sending in of this receipt; I overlooked the slip, which was attached to the inner side of the envelope, and therefore it remained unnoticed - a consequence of my lack of experience. With reference to your letter 18 June '43, I want to thank you very much for it. Since the Reichsfuhrer has not yet been here, I should like to remark the following: I really do need the second X-ray installation -- I can give you the explanation only by word of mouth. At any rate, the probability exists that even more of the installations will be needed later on (it depends on the kind of application of my results the moment these are fixed). For I can get the installation without further difficulties, that is, it is 'waiting' for me -- really I have got it already! I had the opportunity to acquire one myself and I quickly laid hands on it, and the installation is set up for some weeks. But what I care for is the following: I urgently need this installation here in Konigsplatz for my contrary (positive) research. But I cannot spare it in Auschwitz until I get a second installation from the Waffen SS. If I may tell you something between ourselves -- the fact is that I will be able to replace this by my own existing installation provided the Reichsfuhrer SS will give me his approval for it, and okay it. I would not bother either him or you with this unless it would be really necessary. There is another point: In Auschwitz they got used during my absence to using

the original installation for other purposes, too. Although I don't like this I cannot blame the gentlemen there because the X-ray installation there is in bad condition. I cannot tell you the whole story by writing and I also ask you to regard this letter of mine as purely personal. At any rate, I would be extremely obliged to you -- and you really would further the good cause -- if you would help me to get the permission for the second installation (which, as I mentioned beforehand, already exists). I would be thankful if you would answer soon. I ask you to give my most obedient regards to the Reichsfuehrer SS ! The best regards to yourself ! Heil Hitler ! Your obedient Professor Glauberg."

It is quite apparent why he doesn't tell the defendant Rudolf Brandt the full story in this letter. In the first place, it is quite apparent that the defendant Rudolf Brandt already knew the whole story and need not have it repeated in this letter. It is quite clear that he was using this X-ray installation in Auschwitz to further the sterilization of Jews there and he speaks of wanting the second X-ray installation for his positive research in contrast to the negative research being done at Auschwitz, and he goes to his friend and influential assistant, to Heinrich Himmler, and asks him to arrange for that; that is to say, the defendant Rudolf Brandt.

This, Your Honor, completes the presentation of proof on the sterilization experiments at this time. I think there will be occasion at a later stage in the trial for the Court to either hear testimony from the stand or by way of affidavits dealing with sterilizations conducted on women in the Ravensbruck concentration camp by the Glauberg method, but at this time we would like to call to the stand the witness Heinrich Stecher, who will testify, among other things, with respect to the phlegmon experiments at Dachen as well as the subcutaneous experiments.

THE PRESIDENT: Marshal, call the witness Heinrich Stoehr.

HEINRICH STOEHR, a witness, took the stand and testified as follows:

BY JUDGE SEHRING:

Q. Do you answer to the name of Heinrich Wilhelm Stoehr?

A. Yes.

Q. You will hold up your right hand and be sworn on oath as a witness. Repeat after me.

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEHRING: Be seated.

DIRECT EXAMINATION

BY MR. HARDY:

Q. Witness, your name is Heinrich Wilhelm Stoehr, is it not?

A. Yes.

Q. When and where were you born?

A. On the 12th of September, 1904 in Weissenburg, Bavaria.

Q. What is your occupation?

A. I am an employee at the General Insurance Company in Middle Franconia.

Q. At the present time are you a member of the legislative body of Bavaria?

A. Yes.

Q. What political party do you represent?

A. I belong to the Social Democratic Party of Germany.

Q. Witness, what is your present address?

A. Weissenburg, Bavaria, Steinlinsefurth, 26.

Q. Witness, when were you first arrested by the Nazis?

A. In the spring of 1934.

Q. Witness, kindly tell the High Tribunal why you were arrested by the Nazis in 1934?

A. Soon after the seizure of power by Hitler I put myself at the disposal of my party in order to carry out the illegal work, and I smuggled illegal newspapers into Germany from Czechoslovakia. After a short time I was arrested by the police.

Q. After being arrested for this illegal activity against the Nazi party, were you sentenced to prison?

A. I was sentenced to five and a half years in the penitentiary by the Penal Court in Munich.

Q. Did you fulfill that prison term of five and a half years?

A. Yes.

Q. Then were you re-arrested by the Nazis?

A. I was not released and immediately after leaving the penitentiary I was transferred into the concentration camp of Dachau.

Q. At the time that you were sent to the concentration camp Dachau, were you told the reason why you were sent there?

A. No.

Q. While in custody at Dachau, were you persecuted as a political prisoner?

A. Yes.

Q. When did you first arrive at the concentration camp Dachau?

A. That must have been in April 1940.

Q. When were you released from the Dachau concentration camp?

A. I was liberated by the French and I was at that time situated in a side camp of the main camp Dachau.

Q. Witness, you have told us that you arrived at Dachau in the spring of 1940. What duties were assigned to you in the concentration camp?

A. For a few weeks I worked at a garage and I was then transferred to the hospital as a male nurse.

Q. You say that you became a male nurse at the Dachau concentration camp hospital?

A. Yes.

Q. What time, what date did you become a male nurse?

A. That probably was in August or September, 1940.

Q. Did you retain this position as male nurse in the camp hospital until the liberation?

A. Until approximately six weeks before the liberation.

Q. Then, as I understood you correctly, you were a nurse in the camp hospital from the summer of 1940 until April of 1945?

A. Until February, 1945 in Dachau and I was then transferred to another camp outside Dachau. In order to escape the fate of my comrades who were there at that time and who were put into SS uniform and sent towards the front, in order to escape that fate I went into another camp.

Q Did you at one time become the chief nurse in the surgical department of the camp hospital?

A At the end of 1941 I became the chief station nurse at the surgical station.

Q Witness, in the course of your duties, did you acquire any knowledge of medical experiments on inmates of Dachau camp?

A Yes.

Q Do you know about the sea water experiments conducted in Dachau?

A Yes, I learned about them.

Q When were these experiments conducted?

A If I remember correctly, it was in the summer of 1944.

Q Were these sea water experiments carried out in the same block in which you were working?

A Yes.

Q How did you gain your knowledge of the sea-water experiments? That is, witness, through personal observation, from other personnel working on the experiments, or purely from hearsay?

A I saw the patients who were living there. I saw them daily in the courtyard, and I received knowledge and I was told about them by nurses who were working there.

Q Witness, will you kindly tell the Tribunal in your own words the details of the sea-water experiments as you know them?

A I learned that these patients received nothing to eat for many days and I still remember very clearly that these patients -- there were approximately 50 who as far as I know came from the concentration camp Auschwitz at Dachau especially for that purpose -- I remember that one day they attacked the nurse because they could no longer stand their hunger. The nurse who was thus attacked was transferred from the station, and another one was substituted.

Q How many people or prisoners were used for these experiments?

A I think there were approximately 50 people who were used.

Q Were these prisoners Gypsies?

A. Yes.

Q. I understand you to say that these prisoners were not selected from the Dachau inmates but came from Auschwitz. Witness, is that correct?

A. I learned at that time that they were especially sent to Dachau from Auschwitz for that purpose.

Q. Who conducted these sea-water experiments, witness?

A. As far as I remember, they were officers and personnel of the Luftwaffe.

Q. What effect did these sea-water experiments have on the victims used?

A. I do not know that, since I did not work in that field. I think that it was mostly starvation from which these people were suffering.

Q. Did you at any time ever hear what happened to those people used in these experiments?

A. No.

Q. Do you know whether or not any of these people were seriously injured as a result of these experiments?

A. I don't know that.

Q. Witness, did you ever hear of the sepsis or phlegmon experiments at Dachau concentration camp?

A. Yes, these experiments were conducted at my station.

Q. How did you gain your knowledge of these phlegmon experiments? Were you an observer? Were you an assisting nurse, or by what way did you gain the knowledge you have of these phlegmon experiments?

A. I was the nurse at that station. One day -- I think it was in the late summer and fall of 1943 -- a certain Stabsarztmajor Schutz came to me and also a Stabsarztmajor with the name of Lade or Lauer; I am not quite sure which -- and inspected the surgical department. He was shown

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a number of patients; that is, we had to take their bandages off, and he examined their wounds. That is, he just looked at them very superficially. After that, the chief physician of the concentration camp Dachau, Dr. Wolda, was called

and he received the order to see to it that the patients received biochemical treatment for some time.

Q. Witness, will you kindly explain to the Tribunal in what manner these phlogmons experiments were conducted; that is, the details of the experiments? What did they do to the victim?

A. Mainly phlogmons was treated. It was very general in the camp. That is, phlogmon was the typical camp disease. The Bio-chemical treatment was carried out in the in the following manner:

Three similar cases were observed. One of these cases was allopathic; the other one was bio-chemical, and the third one received only ordinary surgical treatment. That is, the third one received no drugs whatsoever, and where the wound was treated ordinarily with bandages and so on. These were the directives of the physicians who were there. We saw that on many occasions the patient was cured much faster who had received no drugs or injections.

Experiments of that kind were conducted for many weeks, and if I may add, laymanlike judgment, I must say that the physicians, according to my observations, were not satisfied with these experiments.

In addition, I have to emphasize that not only wounds were treated according to these methods, but internal diseases, too. They tried to find whether bio-chemical treatment was suitable for treating the thirst for water which was so frequent in the camp. We saw that the bio-chemical drugs had no influence whatsoever as to the cause of this illness.

I emphasize that I am speaking as a layman and that all these are my observations.

During the fall, this Sturmabannfuhrer Dr. Schuetz told

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the camp doctor by the name of Baber to infect a number of people with pus. As the nurses were told nothing about that, and we did not know what it concerned. These experiments were conducted on a group of men, and they extended over a period of approximately six to seven weeks.

Firstly, a group of Germans were infected with pus, and we nurses had no idea about the cause of that illness, and we gave the patients those drugs that were ordered by the physicians. I emphasize again that half of those people received allopathic and the other half bio-chemical treatment. As nurses, we could see the following things:

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Every patient who received all physical treatment were cured much quicker, that is, if they had any power of resistance, with reference to their illness but the patients who had to take these pathological tablets, if I remember correctly, died with the exception of one person. There were approximately 20 persons who, at that time, were infected. The second group consisted of 60 clergymen belonging to all nations who were at that time in the group and fraternity brothers. These patients were selected in the block where all clergymen lived. They were selected by the Chief Physician Dr. Hilder and were sent to the operating room Dr. Becker of the concentration camp, Dachau and were operated on by Dr. Schuetz and Dr. Mischewitter. I think that was his name, and these experiments were conducted in that a number of nurses and also the personnel of the operating room and I saw how they were injected in that manner. So were standing in the ante-room of the operating room.

Q. Witness, will you explain to the Tribunal what phlegmon means? Will you explain to the Tribunal what the word "phlegmon" means?

A. Phlegmon, as far as a layman can answer that question—phlegmon means an inflammation of the tissues and in the camp of Dachau these phlegmons were very numerous because the people there were sent to the hospital too late. The phlegmons, as far as I know, that the typical camp phlegmons are a consequence of the crime. All such persons received no food and suffered from lack of water.

Q. Witness, did you say that inmates were used for experiments in which they were injected with pus?

A. Yes.

Q. Did you see those injections of pus being administered?

A. Yes.

Q. How were the inmates to be used for these experiments selected?

A. I didn't quite understand your question.

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Q In what manner did they select the inmates to be used for these experiments which dealt with the injection of pus? In other words, how did they select? What type of prisoner? What were their nationalities, etc.?

A. They were 40 persons coming from the so-called clergymen block.

Q. Were these inmates used for these experiments with injection of pus healthy inmates?

A. Completely healthy and strong men.

Q. Now, you have told us that they had one group, the first group, of ten Germans. How many died in that group?

A. I believe that the first group consisted of ten people of whom, as far as I remember, seven died.

Q. Now, you have told us of a second group of forty clergymen. How many died in that group?

A. I have seen a list of the survivors and according to that list 12 clergymen or rather fraternity brothers must have died.

Q. Were any prisoners of war used in these experiments? Would you please repeat your answer, witness?

A. I don't know whether they were prisoners of war or not. I could not differentiate in the case of Dechen and see whether they were prisoners of war or not. At least I couldn't.

Q. Were the victims used in these experiments treated by medical doctors after they had been injected with pus?

A. Yes, they were treated by physicians. Yes, the operative work was done by physicians.

Q. Well, after they had been infected with pus what kind of treatment was given to them?

A. After the injection Sturmbannführer Schacht gave the directive to the nurses instructing them that one half of them should receive allopathical and the other half biological treatment. I emphasize that the group which received allopathical treatment had special drugs, the so-called sulfanilamide drugs - that is called. I had the impression that the physicians wanted to prove that the biological drugs were not suitable to cure such a severe disease.

Q. Can you say, witness, that fifty percent were treated with sulfanilamide and the other fifty percent with biological medicaments?

A. Yes.

Q . Now, after these injections with pus did abscesses develop on the inmates?

A . The biggest part of those who were treated biologically, that is, a part of them developed abscesses and very deep abscesses, part of the persons who received all spathical and prophylactical treatment with sulfanilamide has no abscesses.

Q . Did the inmates who had endured this treatment suffer pain?

A . Yes.

Q . Severe pain?

A . As far as I know I think that the pains were very severe.

Q . Now, witness, who kept the records about the development of the fever and the symptoms of each of these inmates during the course of the experiments?

A . Every patient in the camp of Dachau had his fever chart. The temperature of every patient was measured twice daily. That applied to every patient; those who were in the operational station and others, too.

Q . Were you in a position to know whether or not reports were made out on the results of these experiments?

A . Case histories were written.

Q . Were these—?

A . Every patient was observed carefully by the nurses and the Sanitätsführer Schmetz, who visited the patient on frequent occasions and made a short case history and in addition every operation was noted down in that case history, that is the operating physician during the operation gave me the data necessary. He dictated the condition of the patient to me and also the manner of the operation. All these matters were noted down in the case history. In addition photos were taken of the abscesses.

Q . Were any of these reports, case histories, photos etc. sent to Berlin?

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A I have no knowledge of that. Sturmhauffuhrer Schuetz took all of these fever charts as well as the case histories with him. Besides that, at one time there was a visit of a number of people who allegedly came from

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Berlin and who visited these patients. As far as I remember I think it was the Reichsrat Grwitz or whatever his name is.

Q. Now, witness, in regard to the treatment by biological methods, were there additional experiments conducted on victims who had previously been used on malaria experiments by Prof. Schilling?

A. Yes.

Q. Tell us about these experiments.

A. I have already emphasized that in addition to the phlogens, internal diseases were treated. Among others 16 people were experimented upon or rather were observed in order to see whether biological treatment was suitable for the cure of malaria. Sixteen men were sent to my station who had been infected with malaria by Prof. Schilling and we observed whether biological treatment would have any success or not. We saw that even with reference to the cause of the malarial illness these drugs had no influence whatsoever and these patients after six or seven attacks received the usual drugs, quinine, etc., against malaria.

Q. Now, witness, do you have any knowledge about the work of Professor Schilling at the malaria station?

A. I know Professor Schilling, but I did not work at the malaria station. That is, at one time I had to do night duty there for two or three days and take temperatures. I know that Professor Schilling infected over 1,000 people with malaria. I also know that many of these people had to suffer unaskably. You must not forget that these experiments were not carried out on people who were physically strong and healthy but they were mostly conducted on undernourished people who, for that very reason alone, had to suffer doubly. With my own eyes I saw a patient lie, who apparently was poisoned with neo-salvarsan and was therefore weak under the terrible poison affects. He was practically a living wreck. I think the physician, or who ever it was that gave the injection had some misfortune and there must have been something wrong with the kind of injection.

Q. Witness, was it commonly known in the Concentration Camp Dachau that Professor Schilling was carrying out such malaria experiments?

A. Yes.

Q. Did you happen to know many victims died as a result of the malaria experiments by Professor Schilling?

A. I cannot give that.

Q. Would you say that some died?

A. I believe that there were not only a few. There were quite a number of them.

Q. Now, witness, was it commonly known in the Dachau Concentration Camp that a certain Dr. Rascher was conducting experiments with ice cold water?

A. Yes.

Q. How did you gain your knowledge of these freezing experiments by Dr. Rascher?

A. I only know that from hearsay, that it was generally known. Everyone knew about these experiments.

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Q. Did you know or did you learn that inmates had to stay outside in the cold for numbers of hours?

A. That was spoken of.

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Q. In other words, Witness, your knowledge of the freezing experiments is entirely hearsay, it is not?

A. Yes.

Q. Did you ever hear whether or not people died as a result of these two types of freezing experiments?

A. I must assume that because I often saw that nurses or assistants were carrying dead persons from Rascher's station - Block 5 - into the morgue. I am certain for that reason since my station was very close to the morgue. I should like to point out that during the early days we were always told that whenever dead people were carried over the court yards from Rascher's station that all doors of other stations had to be closed so that no one saw what was happening.

Q. Witness, was it commonly known in the Dachau Concentration Camp that inmates were being used for high altitude experiments?

A. Yes.

Q. Did you yourself ever see any of the equipment used by Dr. Rascher and his colleagues in the high altitude experiments?

A. It took some time. For some time the so-called low pressure chamber was in Blocks 3 and 5. These were big chambers.

Q. You saw that chamber yourself, Witness?

A. Yes, I saw the chamber there myself.

Q. I know this may strain you a bit, Witness, but can you remember how long that chamber remained in Dachau?

A. It is very hard for me to answer that today. I am quite certain that this chamber was there for over four weeks. It may have been longer.

Q. You really don't know how long the chamber was there then, Witness?

A. No.

Q. Do you know whether people died as a result of these high altitude experiments?

A. I know that people died, but I only know that from hearsay.

Q. Now, Witness, in the time that you were an inmate in the Dachau Concentration Camp did you ever hear whether Rascher worked with a drug for the coagulation of blood?

A Dr. Rascher tried to produce that drug. That is, Dr. Rascher was in charge of the entire matter and introduced it. But, according to my knowledge, during the time he was conducting the work he was arrested.

Q Do you remember the name of the drug that Dr. Rascher was using?

A At the beginning this drug was called polygal. Later, when it was produced in a liquid form it was called styptheral, if I am not mistaken.

Q Did Dr. Rascher, in order to test this drug, deliberately inflict wounds on inmates of the camp?

A I have not seen that but I heard about it. As far as I know, experiments were conducted in the crematorium, but I emphasize again that I only heard that.

Q What did you hear took place in the crematorium? What type of wounds did Dr. Rascher inflict upon the inmates of the camp in order to test this drug?

A I only heard that these people were inflicted with wounds. I cannot say what kind of wounds they were.

Q Did you ever hear whether or not anyone died as a result of these experiments for blood coagulation?

A If it is true that experiments were conducted in the crematorium, one has to assume that these persons died because nobody came alive from there. Otherwise, I don't know of anyone having died as a result of these experiments.

Q In connection with these blood coagulation experiments did you ever hear the name of the drug called polygal?

A Yes.

Q To your knowledge did Dr. Rascher also work with the drug polygal in these blood coagulation experiments?

A Yes.

Q Now, witness, was there also an experimental station in Dachau for tubercular cases? That is, did they experiment on the tubercular inmates?

A I don't know whether we are concerned with experiments here, but I know that in approximately 1942, or it may have even been earlier, a so-called experimental station was built in Block 5. A certain Mr. von Weihen who, as far as I know was a homeopathic physician, was in charge of one department and there was also a certain Dr. Brachtel there.

Q Do you know what went on in this experimental station? Can you tell the Tribunal about the work in this experimental station of Dr. Brachtel and Mr. von Weihen?

A Well, as far as I heard it was the part of Dr. Brachtel to prove that his method was far more suitable than the method of Mr. von Weihen, that is, to cure tuberculosis diseases. At that time I learned from nurses that these methods of cure were not used correctly. I learned that every one of these gentlemen tried to prove that his method was the right one and I think that I can conclude from what I heard that these gentlemen were cheating one another. I also heard at that time that, mainly at the department of which Dr. Brachtel was in charge, the dead were so-called removed in order to prove that there were no dead. That is, the patients were removed shortly before death occurred and were exchanged for other patients who had similar diseases and logically there were not dead at that station. I emphasize that I heard that from nurses. I myself only worked at the surgical department.

Q Witness, was there an epidemic of jaundice spreading in the concentration camp Dachau, sometime in 1942 or 1943?

A Yes.

Q Do you remember whether or not any experiments were conducted in connection with this epidemic jaundice?

A Yes.

Q Who conducted these experiments?

A Dr. Brachtel.

Q What did he do in the course of these experiments? What means did he use to conduct the experiments? Will you tell the Tribunal what he did at that time.

A I can really say very little about this kind of experiment, but I do know that Dr. Brachtel was conducting the so-called "liver punctures" on a number of patients. I saw, with my own eyes, after having been present in the operating room for many days where my patients were operated, how Dr. Brachtel was carrying out this liver puncture.

Q Were these liver punctures made by Dr. Brachtel very painful for the patients?

A I must assume so; yes. Here we are concerned with an operation which only lasts for a few seconds, but, judging from the demeanor of the patient, we could see that we weren't concerned with any trifles. This operation must have been painful.

Q Now, witness, do you remember the station of Dr. Rascher in Dachau? Do you remember what this station was called? What was the name of the station at Dachau - Rascher's experimental station?

A Yes; we nurses knew that this station was part of the so-called Institute of "Ahnenerbe", or something like that.

Q Do you remember who was the manager of this station at that time?

A I often heard the name of Sievers mentioned in that connection.

Q Do you know whether or not Sievers visited Dr. Rascher at this station at Dachau?

A. Certainly. Sievers was in Dachau. Whether he visited
Eascher personally, I don't know, but Sievers' visit was announced
very frequently.

Q. Did you, yourself, ever see Sievers on one of his frequent visits to Dachau?

A. I think; I don't know Sievers and I never worried about his visit, but there were numerous visits at Block 5. Among others, Himmler, Pohl and others, whatever their names may be. They very frequently came to the Station 5.

Q. Do you remember any other distinguished visitors that came to Dachau, other than Himmler, Pohl and Sievers?

A. On numerous occasions, Dr. Lolling, Grawitz, and I once heard the name of Conti. I don't know whether it was really he. These visits were merely announced and we nurses had to keep the station in order on these days.

Q. In the course of these visits by Dr. Grawitz, Lolling, Pohl, Sievers and Himmler, did they visit the experimental stations of Schilling, Rascher and so forth?

A. Yes; certainly. I emphasize the Schilling station; at least the part where the laboratories were always received high visitors.

Q. Did you, at any time, see Luftwaffe officers visiting Dachau Concentration Camp?

A. Yes.

Q. On what occasions did you happen to see them, other than in connection with the summer experiments as you have told us previously?

A. That happened during the time when Dr. Rascher was conducting his experiments in the low pressure chamber.

Q. Now, witness, in all of these various experiments that you have just referred to the Tribunal, can you tell us whether or not the inmates used for these experiments were volunteers?

A. They couldn't have been volunteers.

Q. Did you ever hear of any prisoner being freed from the concentration camp after having been subjected to one of these medical experiments?

A. I heard that something like that was promised to them, but I think it was never realized.

Q. In what ways were these prisoners chosen for the experiments? Were they chosen out of a line, at random, or were they chosen by Camp's, or would you please explain to us in what manner they were chosen?

A. If I remember correctly, for instance, whenever Dr. Schilling needed some people, they were requested by the command post. The command post, the administration of the camp, then approved the number of people which were needed. I don't know much about the further developments of things, since all these matters went over to the administration and we really had very little to do with them, we nurses. I only know that, mainly with reference to the people selected by Professor Schilling, they were mostly examined by the physicians who were attached to Dr. Schilling as his assistants. I often witnessed the examinations, whenever I was in the x-ray room or in the surgical clinic, since I always had to carry a number of patients.

Q. Then, you would say, witness, that some of these prisoners were criminal prisoners; some were political prisoners; and so forth?

A. They were inmates of all types. In the early days, there were the so-called "A-social" elements; later there were people coming from all nations, people with all different views, including clergymen.

MR. HARDY: I have no further questions.

THE PRESIDENT: The Tribunal will recess until 1.30 o'clock.

(A recess was taken until 13.30 hours.)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 13 December 1946.)

THE PRESIDENT: Do any of the defense counsel desire to cross-examine the witness on the stand?

DR. WEISCHNER (Counsel for the defendant Sievers)

CROSS EXAMINATION

BY DR. WEISCHNER:

Q You have said this morning that Sievers was in Dachau, and that you knew him not personally; is that right?

A Yes.

Q Now, I am interested to know from what source you learned that Sievers was at the station of Professor Schilling, too?

A I have not said that Sievers has been with Schilling; but, generally, all visitors at the Dachau Concentration Camp visited essentially Station "A" and "B" and they were the clearest of all and these two stations were open to all of the visitors.

Q And who took these visitors to these stations?

A Sometimes the Camp Kommandant who had protective custody of the Camp, sometimes, the doctor in charge.

Q Can you say if Sievers was also taken around the Camp in this manner.

A I do not know that.

Q Can you tell me whether or not Sievers had anything to do with the experiments?

A That I do not know.

Q Did you hear anything about Pectine or Pectin used in these experiments?

A Yes.

Q Do you know who had anything to do with these experiments?

A I think the term "Pectine" used for these experiments is not correct. You mean perhaps "Pectrin" was used?

Q Pectrin is another type that was tested at Dachau?

A Yes, in the last six months; a certain Dr. Bloettner had to produce such a Gelatine or pectine.

Q Do you know where Dr. Bloettner worked?

A He worked there; at first he was an assistant to Dr. Schilling, as far as I know; and afterward Dr. Rascher left, Dr. Bloettner came to work in Dr. Rascher's section.

Q Do you know whether Dr. Bloettner had anything to do with Pectine experiments?

A He conducted the experiments with pectine at Dachau, he tried to use pectine.

DR. WEISGLAUBER: I have no more questions.

DR. GUSTAV STEINBAUER (Counsel for defendant Prof. Wilhelm Beiglböck) I have only one little question to put to you.

BY DR. GUSTAV STEINBAUER:

Q Did you ever hear the name Professor Eppinger in the camp?

A No.

Q Do you know a nurse named "Pillwein"?

A Yes.

Q Do you know whether he was in Dachau at the time the fight between prisoners and nurses that you described, took place?

A Yes.

Q Before that?

A Of course, he was a prisoner. I assume so. Pillwein was a nurse. He must have been in the camp before the experiments.

Q No. I mean whether he was already a nurse in the hospital when this fight took place?

A I do not know that. I believe Pillwein only returned before that time.

Q Do you know a nurse whose first name was "Iax"?

A Yes; he was to take care of the fifty gypsies. He was the man that was beaten up by the gypsies.

DR. GUSTAV STEINBAUER: Thank you.

THE PRESIDENT: Is there any further cross examination by defense counsel?

MR. HARDY: I have no further questions of this witness, your honor.

THE PRESIDENT: The witness is excused.

MR. McHANEY: If the Tribunal please, we would like at this time to call the Court's witness, Walter NEFF, for examination.

THE PRESIDENT: The Marshal will summon Walter Neff.

WALTER NEFF, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Witness, the Tribunal is now about to put certain questions to you before you are sworn as a witness in this case.

Q Do you answer to the name of Walter Neff?

A Yes.

Q Where do you now live?

A In Dachau, Kufsteinerstrasse, No. 2.

Q Are you a German National?

A Yes.

Q Very well, hold up your right hand and repeat after me the oath:

I swear by God, the Almighty and Omiscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

Witness, before you are brought to the witness stand, the prosecuting authorities advised this Tribunal that you are now being held in custody by the American authorities, upon suspicion of having actively participated in certain allegedly criminal medical experiments held at Dachau Concentration Camp prior to liberation, for which you may possibly be prosecuted as a war criminal. In view of this statement made by the Prosecution to the Tribunal, the Tribunal now wishes to caution you that although you are now being called as a witness and will be compelled to answer questions under oath, that any statements made by you as a witness can and may be used as evidence against you in the event of such a prosecution; and that, consequently, you may refuse to answer such questions put to you as may, in your honest opinion, tend to incriminate you. Do you understand?

A Yes.

THE PRESIDENT: The Prosecution may proceed with the examination.

DIRECT EXAMINATION

BY MR. McHANEY:

Q Your name is Walter Naff?

A Yes.

Q You were born on February 22, 1909 at Augsburg, Germany?

A Yes.

Q Are you a German citizen?

A Yes.

Q You are presently held as a civilian internee at Nurnberg?

A Yes.

Q Now, witness, I am going to put a number of questions to you and I want you to tell the complete truth and to give us the full story as you know it. First, I would like to ask you a few questions about your background and how you happened to go to Dachau. Where were you living and what were you doing prior to 1938?

A In 1934 I was in Brugg-en-dor-lar. There I learned that an attack was planned on an Austrian Gendarmerie Post. I reported this to the Austrian police but before the deed was committed I arrested the two persons responsible myself and turned them over to the police. The two people were condemned to death by the Austrian Courts and I appeared as witness before the Court. In 1937 I came to Germany and I worked in the Animal Breeding Society in Passau. On the 16th of February 1938 I was arrested; I was taken to the Gestapo at Munich, Mittelschlocher Palais, and after 4 weeks I was taken to the Dachau Concentration Camp.

Q You were taken to Dachau as a political or a criminal prisoner?

A I was taken to Dachau as a political prisoner.

Q And was the reason given for taking you there because you had informed on the bomb plotters in 1934 in Austria?

A Yes.

Q Were these bomb plotters in Austria, Nazis?

A These bomb plotters were two SS men.

Q Witness, have you ever been convicted of a crime?

A No.

Q Now you went to Dachau in March 1938, is that correct?

A Yes.

Q Now will you explain briefly what work you did in Dachau--
what duties were assigned to you?

A When I was taken to the camp, according to the law I had
10 year protective custody. This was 3 months in the old bunker in
chains, 6 months in the bunker and then 3 months in the penal company.
After release from the penal company I was in various labor commands,
such as settlement barracks construction and in a plantation. In
1940 I became the night watchman in the hospital. In January 1941 I
took sick and after my recovery I was made a nurse in the tuberculosis
ward; but I must emphasize that I knew nothing about the nursing of
tuberculosis.

Q Now in 1941 then you became a nurse, in the early part of
1941, a nurse in the tuberculosis ward in the hospital at Dachau, is
that correct?

A Yes.

Q And how long did you remain in that job?

A Until 22 February 1942, when the experimental station,
when Dr. Rascher's experimental station was opened.

Q And that was February 22, 1942?

A On 22 February 1942, the experiments on low-pressure cham-
bers were begun.

Q Now how did it happen, that you were selected to assist Dr.
Rascher?

A I must object to the term "assistant" of Dr. Rascher. I
was never Dr. Rascher's assistant and I was never called that. The
term was used only after the Americans had arrived and I was accused
of co-responsibility. I was assigned to Dr. Rascher because the
Rascher Station was in Block 5 in the tuberculosis section where I
was already a nurse.

Q Now is it not true, witness, that you were pardoned in Sep-

tember 1942?

A The Reichsfuehrer SS ordered that I was to be freed, with the obligation of working in the Entomological Station until the end of the war.

Nevertheless, immediately after my release, I had to work for Dr. Rascher. The Anatomological Station was not in the camp and, as far as I know, had nothing to do with experiments on human beings.

Q What was your status after September 1942?

A After my release my type of activity changed very little. My work, as such, was more or less the same.

Q Were you, after September 1942, a civilian employee of the Sonnenberg Institute?

A Yes, I was a civilian employee of the Institute. But in November 1942 I was drafted into the Police Reserve and I had to appear in the camp in uniform.

Q This was in November 1942 that you became a reserve in the SS Police?

A In the Police Reserve.

Q Now you continued to stay in Dachau, however, after you became a member of the Police Reserve, is that not true?

A Yes.

Q And when did you first leave Dachau?

A I was sent to the Russian Front for anti-partisan activity in August or September of 1943 and I was called back in January 1944.

Q Well now, isn't it true that you left Dachau in August, 1943, and took some training in a police camp?

A Yes.

Q And it was not until November or so of 1943 that you actually went to the Russian Front?

A No, it could not have been before November 1943.

Q And you came back to Dachau in January 1944, is that correct?

A Yes.

Q Now, witness, why is it that you were put in the Police Reserve?

A I was not allowed to enter the camp in civilian clothes

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any longer. I was originally to be drafted into the SS but then I was
put in the Police Reserve stationed at Dachau.

Q All right, now, after you came back to Dachau in January 1944, how long were you then in Dachau?

A In April 1944 the experimental station, which was no longer under Dr. Rascher, was moved to Schlachters near Lindau and I went to Schlachters near Lindau with my comrades. I worked partly in Dachau and partly in Schlachters until October 1944. In October 1944, because of aiding the escape of the prisoner, Boris Krentz, Hauptsturmführer Dr. Bloettner had me excluded from the hospital and I was no longer allowed to enter the camp.

After that I was sent to the Western Front, also in a police unit, and stayed there until the beginning of March 1945. In March 1945 I went back to Dachau. Before the Americans arrived about 60 prisoners, — I liberated about 50 prisoners and kept them in the houses that were there for them. About the 28th of April they made an uprising in the camp. The purpose of the uprising was to prevent the defense of the area of the camp and to prevent evacuation of the camp, and this purpose was fulfilled.

Q You assisted then in the liberation of the concentration camp at Dachau?

A Yes.

Q Now, when you left Dachau in April 1944 to go to Schlachters, that was for the purpose of engaging in the production of this Blutstillungsmittel, coagulant drug. Now, witness, let's go back and take up the matters, the things which occurred in Dachau in chronological order; as I recall, in the beginning of 1941 you became a nurse in the ward for tuberculosis patients, is that correct?

A Yes.

Q Does Action 14; F 13 or Action 13 mean anything to you, witness?

A Yes.

Q Will you explain to the Tribunal what that action is?

A In the camp, especially in the hospital, so-called invalid actions were carried out. On the desk of the camp ward I once was able to read a secret letter which said "Subject-F 13." The contents were to the effect that the invalids of the camp were to be gathered together. That is how I remembered the expression F 13. The invalid action was introduced in the camp by the announcement that all invalids had to report and they would get easier work and would be put in a different camp. Only when those invalids were taken away did we realize that it could not be a different living detail, because the people had to turn in their crutches and whatever else they had, and

they were taken away by the hundreds. We could follow their route only as far as Lins, but the death reports which came in and their clothing which came back told us that the people had been liquidated. This invalid action was followed by a series of periodic other actions. For the hospital it was as follows:

The camp doctor went through the wards and indicated this one, this one, that one, who was to be listed for the invalid action. I remember that whole blocks, for example Block 7, was completely evacuated in one action without any distinction of the state of health of the individual patients. The tuberculosis ward was an exception in that it was an experimental ward, but this affected only those patients who were given the name "experimental patients." All other patients with tuberculosis, --there were so many because they were sent to Dachau from all the camps---for the most part were included in this action. This action also included that the x-ray pictures were taken periodically of everyone in the camp, and those who had tuberculosis were sooner or later put on the invalid transports. The period between the listing and the removal was about six weeks, and everyone who was put on the list was examined once more, not by a doctor this time, but as we know by a Gestapo official. The official usually asked three questions -- were you in the World war? Were you wounded? Why are you in the camp? Then the slip was signed and put in the files. We knew that this signature was a death sentence. For us nurses it was probably difficult for this reason, when there was invalid action and the camp doctor was selecting people, there was danger that the whole block, without consideration for individuals, would be put on the invalid transport list. I owe it to Dr. Brachtels that I was frequently warned that an invalid action was coming up; in that way it was possible to help very many patients in one way or another by transferring them to the camp during the period of danger and returning them to the hospital later, or placing them under the protection of the experimental station. But the terrible thing about it was that one could help part of these people, but had to leave the others to their fate. And then there was another action, that was the so-called "tooth" action. All prisoners had to go to the hospital for examination and treatment of their teeth. In reality it was determined whether the prisoner had gold in his mouth or not. If he had gold in his mouth he was registered carefully, and after he died he had to pay the gold from his mouth for the last tribute for the fight against National Socialism.

Q Witness, can you tell us approximately how many people were included in

these invalid transports during the period that you were in the hospital ward, and I take that to be from 1941, the beginning of 1941 until February 1942?

A From the hospital I know that in the course of the year of 1941, and the beginning of 1942 a little over 2,400 were sent on invalid transports. I know that so accurately because I always noted down the date and the figures, and the list is in the hands of the Court in Dachau, and also in the Information Center, Dachau, by Kleishelmstr. 90.

Q Were people included in these invalid transports other than from the hospital wards from which these 2,000 you have mentioned came?

A These no doubt include the ones who were released from the hospital to the camp, but at the time of the listing were sick in the hospital. They were also sent on the invalid transport even after they had recovered.

Q Now, does this figure of 2,000 cover simply the period in 1941 when you kept the files or does it cover the whole period from the beginning of 1941 until February 1942?

A If I understood the question correctly, whether the invalid action was finished in 1942 or whether there were only the patients who were registered.

Q No, witness, I am trying to find out clearly what this 2,000 figure covers; now, as I understand it, for some five months in 1941 you kept certain files on the hospital, did you not?

A Yes, I wrote them down four or five months of course, not officially.

Q Now, you can say because of having kept these figures that a certain number of people were sent on these invalid transports?

A By name?

Q No, the number; and you have mentioned the number 2,000, now is that 2,000 the number of people who were sent for the period of 4 or 5 months when you have kept the files or does the 2,000 figure cover the whole of 1941?

A No, not the whole year 1941. As far as I recall I observed and registered this list carefully 5 or 6 months. Later I didn't have the time to do this and I did not continue to write them down.

Q And can you give us the estimate of what the total figure was for the year 1941?

A The total figure for the year 1941, the hospital including the camp, was a little over 5,000.

Q Now, do you know whether or not these invalid transports continued after you left the hospital in February 1942?

A In 1942 I am sure there were invalid transports, but how long they went on I do not know exactly.

Q Now, witness, were non-German Nationals included in these invalid transports?

A Among the invalids there was a large percentage of non-Germans. At that time the camp had a much higher percentage of primarily people from the East.

Q That is to say Russians and Poles?

A Russians, Poles, Czechs, Yugo Slavs, primarily.

Q Did you, while you were a male nurse in the tuberculosis ward, have to yourself select some of these tuberculosis patients to be included on some of these transports?

A The order to select these people was never given to me. It was like this, Dr. Brachtels told me "there is an invalid action, from your tuberculosis ward, you will have to report at least 50 patients. If you do not do that, the camp doctor will select them. You can imagine how many will be left then". I have always said it was terribly difficult for such nurses to make a decision, to decide whether the selection of 50 was the lesser of two evils, or whether we should leave it to the chief doctor to select the invalids. After the chief surgeon, Dr. Welter, in one invalid action had put the whole block with the exception of the experimental patients, on the invalid list in the second invalid action I selected and reported the patients who were confined to bed and who could not be transferred to some other block, or somewhere else.

Q Now, you state that you are sure that these people were transported to a place near Lins and then exterminated?

A The prisoners were of course interested in knowing where these comrades were being sent. We could follow the route only as far as Lins, the return of the clothes and the death announcements of the German prisoners. The announcement we read in the camp papers proved to us and made it known to us. The death announcements always said they had died in Dachau.

Q Witness, were you ever told what the purpose of these invalid transports was?

A We read in the Paper "Commas" at the end of 1940 or beginning of 1941 an article by Prof. Butterseck. In this article of Prof. Butterseck of Goppingen it stated that it was necessary to have sick persons, who were useless eaters, eliminated as nature does. As an example, he gave the rat and he continued by saying that it was designated against anti-social people, against people who were enemies of the Third Reich and those who were political criminals and they were to be treated in the same way. We realized then what was being done and what was planned. We also knew that the Bishop of Galen had taken up a stand against this action. That was the only way that I can explain it.

Q And all of this - these invalid transports - were what you knew as Action F-13?

A Yes.

Q Do you know of any one from Berlin, any important figures, that were interested in this Action F-13? For example, was Conti supporting this action, according to your knowledge?

A I don't know if Conti had anything to do with this action.

Q Did Conti ever visit Dachau?

A Yes, Conti was in the Concentration Camp Dachau several times. He visited the tuberculosis ward twice and as far as I know he was in the concentration camp once or twice before.

Q Now, in the tuberculosis ward did they, in fact, conduct certain experiments on the better methods of treating tubercular patients? For example by Biochemical means?

A The experimental station for tuberculosis was organized as follows: There was a Homeopathic station and a Medical section. Each section had the same number of patients with about the same case history and they were proving which of the two types of treatment led to quicker cure. The Homeopathic section was directed by Hanno von Wyhern and the medical section from 1 April 1941 by Dr. Brechtel. I am convinced from the facts that the persons received additional rations, milk, etc., in the experimental station and this did the tubercular patients some good.

X
Q Let us move on now to February of 1942. When did the high altitude experiments begin in Dachau?

A The first high altitude experiments were on 22 February 1942. The so-called low pressure cars had been brought in earlier and dismantled. The exact time when the cars came I don't know.

Q Why do you remember the date when the first experiments were made in the low pressure chambers so well?

A The 22nd of February is my birthday and the tubercular patients made a celebration for me. On that date the experiments started and that is why I remember the date.

A Yes, Conti was in the Concentration Camp Dachau several times. He visited the tuberculosis ward twice and as far as I know he was in the concentration camp once or twice before.

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Q Why do you remember the date when the first experiments were made in the low pressure chambers so well?

A The 22nd of February is my birthday and the tubercular patients made a celebration for me. On that date the experiments started and that is why I remember the date.

Q. Do you remember that the low pressure chamber arrived in Dachau
some days before 22 February 1942?

A. Yes.

Q. Now, I am going to have a book brought up to you and if the Tribunal
deems this is a book entitled, "Grundriss der Luftschiffmedizin" by S. Ruff
and S. Stittgen, edition of 1941. I am asking the witness to look at
page 29 and tell you whether it is the low pressure chamber, which
was in Dachau, was similar to the one shown in this picture.

(THE WITNESS IS SHOWN THE BOOK)

A. Yes.

Q. May it please the Tribunal, I am not here to offer the book in
evidence, however, I believe you might like to look at the picture and get
an idea of the chamber, so that I am asking that it be passed up.

(THE BOOK IS SHOWN TO THE WITNESS)

Q. Witness, was this a low pressure chamber?

A. Yes.

Q. Now, who brought the chamber down to Dachau? Do you know?

A. It was brought into the camp by a rail truck and Dr. Rosenberg came
with it and he gave the orders for the assembling and the carrying.

Q. Witness, do you know Rosenberg?

A. Yes.

Q. Do you see him in the defendant's box?

A. Yes.

Q. Will you tell the court where he is sitting in the defendant's box?

A. The fourth man in the second row.

Q. The fourth man from the far end of the box from you, witness?

A. Yes.

Q. I will ask the record to show that the defendant Rosenberg was properly
identified by the witness.

THE PR. SHERIFF: The record may so show.

Q. W. McMAHON:

Q. Do you know a man by the name of Siegfried Ruff, witness?

A. Siegfried Ruff was present on the first day of the experiments

January 22nd. I believe that I can recognize Ruff.

Q. How many times have you seen Ruff?

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A. I can only recall having seen Ruff once, with certainty.

Q. Do you see a man whom you recognize to be Ruff in the defendants' dock?

A. I am not quite certain whether it is the second man in the second row.

Q. Of all the people sitting in the defendants' dock, you find that the second man from the far end from you appears to you to be Ruff?

A. Yes.

MR. McHANEY: I will ask that the record show that the defendant Ruff has been properly identified by the witness.

THE PRESIDENT: The record will so show.

BY MR. MC HANEY:

Q. Witness, do you know a man by the name of Georg August Waltz?

A. Yes.

Q. Do you see him in the Defendants' dock?

A. Yes

Q. Where is he sitting?

A. He is the sixth man in the second row.

MR. Mc HANEY: I will ask that the record show that the defendant Waltz has been properly identified by the witness.

THE PRESIDENT: The record will so show.

BY MR. Mc HANEY:

Q. Can you see the full box from where you are sitting, witness?

A. Yes.

Q. Do you know a man by the name of Wolfram Sievers?

A. Yes.

Q. Do you see him in the defendants' dock?

A. Yes.

Q. Where is he sitting?

A. The first man in the first row nearest to me.

MR. McHANEY: I will ask that the record show that the defendant Sievers has been properly identified by the witness.

THE PRESIDENT: The record will so show.

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BY MR. McHANEY:

Q. Now, witness, I will ask that you carefully look at all of the defendants in the dock and indicate which of the people there you have seen before.

A. I recognize only one man that I saw in the camp.

Q. What man is that, witness?

A. The first man in the first row, the farthest one from me.

Q. And can you recall when you saw this man in Dachau?

A. No. Possibly in 1941 or '42, but I don't know on what occasion.

Q. How do you remember that you have seen this man? Do you know his name?

A. No.

Q. You just recall his face?

A. Yes.

Q. Do you remember whether on the occasion that you saw him that he was inspecting the experimental stations in Dachau?

A. It must have been on the occasion of a visit, but whether it was an inspection of the experimental station, I don't know.

Q. Witness, I will ask you if Sievers was wearing a board when you knew him in Dachau?

A. No.

Q. Does the name Kurt Blome mean anything to you, witness?

A. From Dr. Rascher I frequently heard the name Blome in connection with the blood coagulant drug and in connection with Robert Veichs. I once read a document which was a sort of judgment of racial characteristics of Robert Veichs which had been written and signed by Blome.

Q. Why was Blome interested in Robert Veichs?

A. Whether Blome was interested or whether Rascher had asked Blome to take an interest in Veichs, I don't know. I assume, however, that Rascher went to Blome with Veichs because of the blood coagulating drug or because of racial matters which played a big role in the Veichs affair since Veichs had been brought to the camp as a Jew and under difficult circumstances.

Q. Well, did you understand then that Blome was perhaps interested in

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racial questions in Germany?

A. I heard from Rascher that Blome was working on a section for racial questions.

Q. How many times did you see Blome, if at all?

A. I saw Blome once in Munich on the occasion of a visit of Robert Veichs to Blome, that is, Robert Veichs had to return a radio which Dr. Rascher had had repaired to Blome. On this occasion I saw Dr. Blome.

Q. I will ask you to again look at the defendants' dock and carefully search the face of each man there and see if you can recall having seen any of these men on the occasion of your contact with Blome?

A. No.

Q. Now, let's go back to the high altitude experiments. Will you tell the Tribunal who worked on these experiments?

A. The experiments were conducted by Dr. Rascher and Dr. Rascher and Dr. Roberg. Ten prisoners were selected and were taken to the station as permanent experimental subjects; and they were told that nothing would happen to them. In the beginning, the first three weeks, the experiments went off without incident. One day, however, Rascher told me the next day he was going to make a serious experiment and that he would need sixteen Russians who had been condemned to death, and he received these Russians. Then I told Rascher that I would not help, and I actually got Rascher to send me away to the tubercular ward. On that day I know for certain that Rascher's SS-Man-Endres or other SS-Man conducted these experiments. Dr. Roberg was not there that day. The SS-Man-Endres took the Russian prisoners of war to Rascher and in the evening the parties were taken out. On the next day when I returned to the station, Endres was already there and he said that two more, two Jews would be killed. I am quoting what he said. I left the station again, but I watched to see who would be taken for the experiments. I saw the first one getting into the car. I could only see his profile. It seemed familiar to me. I knew that man worked in the hospital as a tailor. I tried to find out if it was really that man. I went to the place where he worked, and I was told that

Endres had just taken the man away. The first person that I informed was Dr. Rosenberg when I met in the corridor. I told Rosenberg that this was not a person who had been condemned to death, that this was a clear case of murder on the responsibility of Endres. Rosenberg went with me to see Rascher to clear the matter up, but it was discovered that Endres had put this man in the experimental car because he had refused to make a civilian suit for the SS man. Rascher sent the man back; Endres went with him; and remarked: "Well, then you will get an injection today." I must say that Rascher interfered once more and put the man in safety into the bunker. In the meantime, Endres had brought a second man up, a Czech, whom I knew very well. Again it was Rosenberg together with me who talked to Rascher to stop this experiment or to inquire why a man like Endres was simply taking people who had never been condemned to death. Rascher went to the camp commandant, Pirkowsky, who personally came to the station and Endres was transferred to Lublin immediately.

And now I come to the subject: It was actually the day on which my comrade and I reached the decision that under all circumstances, no matter what happened, I would remain at this —

Q Now, witness, let me interrupt you just a minute. We will come back and you can tell the full story then.

THE PRESIDENT: We will take a fifteen-minute recess.

(A recess was taken.)

THE PRESIDENT: I will ask the Secretary General to turn this book over to counsel for the prosecution and defense counsel may examine the book.

BY MR. MC HANEY:

Q Now, witness, before the recess, you had been telling the Tribunal about the high altitude experiments which you stated began on February 22, 1942, and you had related how early in March Rascher had experimented upon some fifteen Russians who were killed and you stated that neither you nor the defendant Rosenberg were present on that occasion and you then had gone on to relate the introduction when the SS man in Dachau named Endres had brought in the tailor at the camp and wanted him to be experimented upon and how you recognized the tailor and interceded with Rosenberg and had this man returned.

Now, before you continue with your story, I would like to put some specific questions to you. It is true, is it not, that concentration camp inmates were experimented on during these high-altitude test experiments?

A Yes.

Q About how many concentration camp inmates were subjected to these high-altitude experiments?

A There were 180 to 200 inmates who were subjected to the high-altitude experiments.

Q Now, when, to the best of your recollection, did the high-altitude experiments end?

A The incident of the deed — I am afraid I didn't quite get your question. Will you repeat it.

Q I am asking you, witness, when the high altitude experiments ended: that is, when they were completed?

A During the course of June — maybe the beginning of July, the low-pressure chambers were transported away. I don't recollect the exact date, however.

Q And you state that between February 22, 1942 and the end of

June, or the beginning of July 1942, approximately 180 to 200 concentration camp inmates were experimented on?

A Yes.

Q Now, what nationalities were experimental subjects?

A I cannot say that with certainty but I think that approximately all nations were represented there; that is, all nations that were in the camp, mostly Russians, Poles, Germans, Jews belonging to any nation. I don't remember any other nationalities being represented there.

Q Were any of these experimental subjects prisoners of war?

A Yes.

Q What nationalities were they; do you recall?

A They were Russians.

Q Now, will you tell the Tribunal how these experimental subjects were selected?

A The experimental subjects who had to be subjected to severe experiments, experiments that would end in death, were requested by Rascher from the camp administration and then furnished by the SS; however, this procedure differed with the so-called series of experiments and a number of other experiments. On these experiments, the people were brought into the experimental station straight from the camp, that is, from the blocks.

Q Now, did they, to your knowledge, make any effort in the camp to secure volunteers for these experiments?

A There were certain volunteers for these experiments. That was because Rascher promised certain persons that they would be released from the camp if they underwent these experiments. He sometimes promised them that they would be detailed to more favorable work.

Q Now, about how many of such volunteers would you say there were for the high-altitude experiments?

A I don't know the exact number. It is not too high; approximately ten inmates volunteered for that purpose.

Q Now, did these volunteers come one at a time or did they come in a body or just how did they present themselves to the experimental stations?

A Rascher moved around the camp quite a lot and on that oc-

casion the inmates spoke to him.

Q In other words, the camp officials and Rascher and Rosenberg made no effort to find volunteers, did they?

A I don't know, but I shouldn't think so. I shouldn't think that they made great efforts to get volunteers.

Q Now, other than those approximately ten persons who you said presented themselves as volunteers, were all the rest of the experimental subjects simply picked out and brought in and experimented on?

A Yes.

Q Were any of these prisoners experimented upon released from the concentration camp because they underwent the experiments?

A There is only one man who was released after the high-altitude experiments.

Q And who was that?

A An inmate with the name of Zepota (?)

Q And did Zepota assist Rascher in his experimental work other than simply undergoing the experiment? Was he something in the nature of an assistant to Rascher?

A No. Zepota was one of those persons who had to undergo most of the experiments and he was also used on one experiment, which was conducted in the presence of the Reichsfuehrer SS. On that occasion he was asked by the Reichsfuehrer how long he had been in the camp and he promised him that he would be released. He was later sent to the Group Tuerlowmanger and committed there.

Q Was it considered a privilege to be released to the Group Tuerlowmanger?

A No. The inmates who later were forced to transfer to Group Tuerlowmanger thought that this was the worse thing that could happen to them.

Q Will you tell the Tribunal just what the Group Tuerlowmanger was and SS Division who received their education in Oranienburg and who were used for special purposes. At one time 200 German political inmates in this group, were incidentally transferred to the Russians but all the persons who were forced to join this group were very dis-

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gusted because they had to join the SS and fight for them. They con-
sidered that as one of the worse shames that they should just be sel-
ected to join the SS.

Q. Was the Tuerlewanger a special commando group?

A. Yes, it was a special commando group and was committed at the most dangerous spots. However, I only know that from comrades to whom I have spoken about this matter after the liberation.

Q. Now, other than the prisoner Zopota were there any other concentration camp inmates released as a result of undergoing the High Altitude Experiments?

A. I know of no case except Zopota.

Q. Do you know of any cases where a prisoner condemned to death had his sentence commuted to life imprisonment because he underwent the High Altitude Experiments?

A. No.

Q. Witness, were any political prisoners used in this High Altitude Experiments?

A. Yes, there were political prisoners who were used in this experiment. All foreigners were considered as political prisoners.

Q. Witness, tell the Tribunal how one can tell the difference between a political and a criminal prisoner in a concentration camp?

A. The inmates had certain squares and numbers, the political inmates, the German inmates had a red square; the Poles had a red square with a "P" marked on it; Russia had an "R"; and, all nationalities could be identified with the first letter of their country. The red square with a yellow star was the Jew. The green square was the sign of the so-called professional criminal. Here it has to be said that there were quite a number of people who had these green squares, and who did not fall under the classification of professional criminals, but who were sent to the camp with that square since the Gestapo could find no excuse to send them into the camp as political prisoners.

Q. Now, was this square really a square or a triangle?

A. It was really a triangle with the head of the triangle pointed down to the earth. If it pointed upward, it was a member of the Wehrmacht who was sent to the camp for punishment.

Q. Now, to sum up then, the political prisoners wore a red triangle, the

criminal prisoners wore a green triangle, and the Jewish prisoners wore a red triangle with a yellow star superimposed upon it; is that right?

A. That is right, yes.

Q. Now, witness, were those badges worn on the prisoner's uniform where any one could see them?

A. Yes.

Q. Do you know whether the defendant Rosenberg knew what these emblems meant?

A. I am quite sure Rosenberg knew what these signs meant.

Q. Now, witness, this Tribunal has received in evidence certain pictures of concentration camp inmates undergoing the High Altitude Experiments in Dachau. Now, I want you to look at these pictures and I will then ask you a question about them.

(The pictures were handed to the witness.)

Witness, I will ask you whether you see any triangles on the uniforms shown of these prisoners undergoing the experiments there?

A. No.

Q. Can you explain to the Tribunal why no such emblems are on those uniforms?

A. Yes.

Q. What is the reason?

A. Whenever the experiments were performed, inmates received a civilian suit and no one could tell they were inmates. We are here concerned with photographs, and I know that inmates, whenever they were photographed, received a civilian suit in a good condition, and it had no emblems on it whatsoever. That is the reason why they are not on the photographs. You could determine what triangle was worn by the experimental subject.

Q. But, witness, you have seen in some of the photographs, that the inmates had on the usual striped prisoner's garb. Can you explain why no emblems appear on the prisoners uniform in those pictures?

A. The clothes which the inmates received were mostly very dirty because every inmate had only one suit for himself, which he could only exchange once a year. And, it is natural that when Rascher wanted photographs for himself he would give them a suit, a striped suit, which was clean. Since every inmate

who received a suit had to sew on his triangle and his number himself, it can be understood why there was no triangle on this suit.

Q. Thank you.

THE PRESIDENT: Mr. McHaney, may we see the photographs, please.

MR. McHANEY: Yes, Sir; this is Document No. 610, your Honor, and I am just having the Exhibit number checked. This is Prosecution's Exhibit 41, your Honor, and it consists of between thirty-five and forty pictures.

Q. Now, witness, were any Jews experimented on in these High Altitude Experiments?

A. Yes.

Q. Now, tell the Tribunal approximately how many prisoners were killed during the course of the High Altitude Experiments?

A. During the High Altitude Experiments seventy to eighty persons were killed.

Q. Did they experiment on prisoners other than those condemned to death?

A. Yes.

Q. Were any of those prisoners who had not been condemned to death killed during the course of the High Altitude Experiments?

A. Yes.

Q. Do you have any idea how many may have been killed?

A. There could have been approximately forty persons.

Q. That is, forty persons were killed, who had not been condemned to death, out of a total of seventy, did you say?

A. Yes.

Q. Now, were some of those killed, political prisoners?

A. Yes.

Q. Is there any way of telling whether or not a prisoner had been condemned to death, that is, when the experimental subject arrived in the pressure chamber, was there any way to know whether he had been condemned to death?

A. Once the experimental subject came from the Bunker, that is, as soon as the SS took them out, we could always tell they were prisoners who had been condemned to death. When the inmates were sent by the camp leader, and were brought there by him, then we could also tell they were persons who came from

the camp, and that these were not persons who had been condemned to death.

Q. Now, could Rosenberg tell this just as you did?

A. He could only know it if he tried to find out about it, because he could hardly differentiate and tell whether the person concerned came from the Bunker or came from the camps.

Q. But, you could tell that yourself?

A. Yes.

Q. Did Rosenberg ever ask you whether or not these experimental subjects had been condemned to death?

A. I do not remember Rosenberg ever asking me about that.

Q. Were records kept in the concentration camp which showed whether or not a man had been condemned to death?

A. Yes.

Q. Do you know whether Rosenberg ever checked those records?

A. I do not know that.

Q. You do not know if he ever checked them, is that right?

A. No.

Q. Can you remember, approximately, how many deaths Rosenberg witnessed during these High Altitude Experiments, if any?

A. I can remember five cases where Rosenberg was present during cases of death; whether he was present on other occasions, I do not know. It is possible, but I am not sure of it.

Q. You are sure of only five cases?

A. Yes.

Q. Did Rosenberg ever make any objections concerning these deaths?

A. I do not know about Rosenberg having made any protests against it.

Q. He did not make any protest in your presence?

A. Only at the time when we were concerned with the incident, which I reported about earlier. I do not know anything about anything else.

Q. The incident about the tailor?

A. Yes.

Q. Now, did they perform autopsies on any of those bodies, the bodies of the persons who were killed during the High Altitude Experiments?

A. I do not understand your expression, autopsies?

Q. By autopsies, I mean, did they dissect the bodies of the persons who were killed in the High Altitude Experiments?

A. During the experiments, one autopsy was performed, and that was at ten thousand meters; otherwise, the largest number of the experimental subjects who died were autopsied in the morgue.

Q. Now, you say they actually performed one autopsy in the low pressure chamber at ten thousand meters?

A. Yes.

Q. Why was that done?

A. I am too little of an expert in order to express myself properly. I only know that it was said that gas or certain air in the brain which resulted at high altitudes, and they wanted to determine how the prisoner would react in this high altitude.

Q Did Lomborg assist in this particular autopsy in the low pressure chamber?

A Yes.

Q Was this man deliberately killed in the low pressure chamber?

A Yes.

Q Do you wish to state that he was killed because they wanted to see what effect these particular pressures had on his body; that is, how long they had to continue the pressure until he died?

A Yes.

Q Did they at times perform autopsies or dissections under water?

A No.

Q You do not remember that they performed dissections under water?

You don't remember that?

A I am sure that was not done in Dachau; and it would really have been impossible considering the size of the experimental room.

Q Do you remember any cases of dissection where the heart continued beating after the breast had been opened?

A Yes. During one autopsy it was found after the breast had been opened and again after the heart had been opened that the heart was still beating. I know that exactly because I brought the Ekg apparatus into the morgue; we then recorded this beating heart on the Ekg. This experiment ceased any cases of death because now more experiments were made in order to see how long the heart of a man could beat who was thus autopsied. I then had the task of carrying the rolls of the Ekg apparatus from the dark room to the floor of the morgue.

Q Did Lomborg witness any of these cases where the heart continued beating after the breast had been opened?

A Yes.

Q Was he particularly interested in that phenomenon?

A I don't know that since I wasn't actually in the morgue; but I always went there from the X-ray room to the window.

Q Now, were any of these dissections performed while the victim was still alive?

A No, because you cannot consider the beating heart as still being alive.

Q So, as far as you recall, there were no instances in which the experimental subject had simply lost consciousness but had not yet died when they performed an autopsy?

A No.

Q Now, you recall that the defendant Ruff was in Dachau?

A I remember that on the first day of the beginning of this experiment Ruff was present during the experiment. I did not see him on any other occasions.

Q Were experiments performed that first day?

A Yes.

Q Did any deaths occur that day?

A No.

Q Now, you have stated that there were certain volunteers for these high altitude experiments; and you have also stated that the first experiments were carried out on ten subjects. Were any of those first ten subjects volunteers?

A The first ten subjects were not volunteers; and they did not remain at the station only at the beginning; but they stayed there during the entire period, that is, for the entire period that the low pressure chamber was there. Every one of these experimental subjects experienced twenty to thirty experiments.

Q Now, witness, based upon what you observed and heard at Dachau, can you say that these experiments were conducted for the benefit of the Luftwaffe?

A Yes.

Q So you remember seeing any officers of the Luftwaffe visit the experimental station in Dachau?

A Certainly. Very frequently high officers of the Luftwaffe, of the SS, and of the Government visited the experimental station. However, I can only remember the names of the leading SS men who were there; and know no name of any Luftwaffe officer who visited the experimental station.

Q What are the names of the SS people that you remember?

A. Obergruppenführer Pohl, Reichsführer SS Obergruppenführer
Goebbels, Dr. Grawitz, Dr. Bornsdorf, and Adjutant Schnitzler.

Q. He was from Munich, Schnitzler?

A. Yes.

Q. Was Sievers in the experimental station often?

A. I don't remember that Sievers was present during the experi-
ments at the experimental station.

Q. You mean you do not recall that on any occasion Sievers
visited the experimental station while the high altitude experiments
were going on?

A. I know that Sievers was there to visit the block at the
time when the station was first planned and the chambers arrived; but
I cannot tell you now whether at that time the experiments were already
being conducted.

Q. Do you recall when it was that Rascher became the head of a
department in the "Anstalt"?

A. That the experimental station was subordinated to the "An-
stalt" and started, as far as I know, at the time of the beginning
of the freezing experiments. Whether that had already happened at an
earlier date or not I don't know.

Q. And you became a civilian employee of the "Anstalt" in
September, 1942, is that right?

A. Yes.

Q. Now, witness, did you ever hear the name of Erhardt Hilch
mentioned in connection with these high altitude experiments?

A. Yes.

Q. On what occasion?

A. I had the impression that Rascher tried intentionally to
withdraw from these experiments. He was ill on numerous occasions;
and he had often left on trips. Of course, the negative thing in that
connection was that Rascher had to work all the more.

I spoke to Rascher himself and I asked him how long the low

pressure should remain; and he said that Milch was going to use them, and he would try to do everything to send them away as quickly as possible. That happened approximately the middle or the end of May. I remember that because this meant the time for me to try to make this chamber harmless.

I used some glass filps and started filing on the high altit-
ude apparatus. During the next experiment it smashed to bits. Ros-
berg managed to get some substitute parts within fourteen days so
that the chamber was still being used for about another three weeks
in spite of that.

Q Now, Witness, if I understand you correctly, you have
stated that you got the impression that maybe Rosenberg wanted to with-
draw from these experiments and that upon asking you were told that
the chamber would remain in Dachau three more weeks and that you then
attempted to sabotage the low pressure chamber. Is that correct?

A Yes.

Q And did you think that if you succeeded in sabotaging the
chamber that Rosenberg would use that as an excuse to discontinue the
experiments?

A I hoped for it, naturally; and I hoped that this series of
experiments would be interrupted; and I didn't think that he would get
hold of spare parts as quickly as he did.

Q Then I take it that Rosenberg disappointed you in not taking
that opportunity to discontinue the experiments? Is that right?

A Yes.

Q Where did he go to get the spare parts?

A He went to Berlin.

Q How long did it take him before the chamber was again in
order?

A As far as I know, it took fourteen days to three weeks.
That was the time that Rosenberg was away.

Q When did this occur?

A At the end of May.

Q Now, I understand you to say that the experiments continued
after the chamber had been fixed again?

A Yes.

Q How much longer did they last?

A I'm sure it lasted another three weeks.

Q Were experimental subjects killed during the last three weeks?

A Yes. Rascher killed five persons on the last day.

Q Now, did the defendant Rosenberg witness any of these deaths that occurred during the last three or four weeks?

A I don't remember that exactly.

Q Well, now, Witness, if Rosenberg had gone to such extremes to get this low pressure chamber repaired and it was repaired, it seems to me that he would have stayed around and observed the experiments for the last few weeks. Didn't he do that?

A Rosenberg suffered from a gall-bladder disease and was very often away from the experimental station; and it is quite possible that he wasn't present at that time.

Q You have stated, as I understand it, that Rosenberg witnessed at least five deaths. Is that correct?

A Yes.

Q Was he informed about the other deaths that occurred?

A As to how far Dr. Rascher informed Rosenberg regarding the number of the death cases, I don't know.

Q Well, didn't Rosenberg ever ask you? Wasn't he interested in knowing what went on while he happened to be away?

A I cannot remember Rosenberg's having asked me personally what Rascher had done in the meantime. It really is the case that Rascher was a Stabs Physician of the Luftwaffe; and I was, after all, only an inmate.

Q Can you remember only five cases of death which Rosenberg observed?

A Yes.

Q Now, let's go back to sabotaging the pressure chamber. How long before that had deaths occurred? Do you recall?

A From the beginning of March up to the transporting away of these chambers, it varied. Rosenberg made a series of experiments during the day and mostly left at approximately 6:00 o'clock in the evening. Then Rascher continued to work by himself. So there were cases of deaths nearly every day. What I want to say is that because of the fact that these death experiments were only carried through by Rascher during the evening, it can be explained that Rosenberg wasn't present.

Q But you have stated that Rosenberg has witnessed five deaths,
so it's not true that all the death experiments were carried out during
the night, is it?

A No, certainly not.

Q Well, that was the impression I got from your answer just a
moment ago that all the death experiments occurred at night. That's
not true, is it?

A No.

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Q. All right, now, let 's explain to the Tribunal just how you managed to sabotage the low-pressure chamber. What did you do to it?

A. The high-altitude measuring apparatus was built into a separate chamber. There's a glass tube there which is connected with a glass bottle. The mercury inside this tube rises up, depending upon the amount of pressure applied and what I thought was the mercury would rise and the glass would not be able to stand the pressure and would therefore have to burst and in that manner one evening I used a glass file and started to file the back wall of this case. Just as I expected at the next experiment the entire apparatus smashed to bits. The thing that surprised me, however, was that not only the glass gauge burst but also the entire bottle where the mercury was had burst too. I can only explain it that the mercury caused the other part of the glass to burst too.

Q. Now, how were you able to file this glass? Wasn't it quite hard?

A. As I stated before, I used a glass file. I used ten glass files for that purpose; files which we had in the hospital in order to saw veins with them.

Q. Now, we have been over the low-pressure experiments and you have given us quite a lot of figures. Is there anything else which you feel that you should tell us about these high-altitude experiments?

A. No.

Q. All right. Let's move on to the freezing experiments. When did the freezing experiments start?

A. During August or at the end of July the first freezing experiments started. They were conducted by Prof. Holzlochner, Dr. Finke and Dr. Rascher. The freezing experiments can be divided into two separate departments. One a series of Holzlochner-Finke which were later excluded and then a series where Dr. Rascher made these experiments himself.

Q. All right; suppose you describe the experimental basin.

A. The experimental basin was built of wood. It was two meters long and two meters high. It was about 50 centimeters above the floor and it was in Block No. 5. There were found in the experimental chamber and basin many

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lighting instruments and other apparatus which were used in order to carry out measurements.

Q. Now, you have stated that you can divide the freezing experiments into two groups; one where Holzlochner and Finks were working with Rascher and then the period after Holzlochner and Finks had left?

A. Yes.

Q. Now, will you tell the Tribunal approximately how persons were used over the whole period? That is, including both groups that you have mentioned

A. 280 to 300 experimental subjects were used for these freezing experiments. There were really 360 to 400 experiments that were conducted since many experimental subjects experienced more than one such experiment. Sometimes even three.

Q. Now, out of the total of 280 or 300 prisoners used approximately how many of them died?

A. As a result of these freezing experiments approximately 80 to 90 subjects died.

Q. Now, how many experimental subjects do you remember that they used in the Holzlochner-Finks-Rascher experiments?

A. During that period of time approximately 50 to 60 subjects were used for experimental purposes.

Q. Did any of these experimental subjects die?

A. Yes. During that period of time there were about 15, maybe even 18 cases of death.

Q. When was that experimental series concluded?

A. It was concluded in the month of October. I think it was at the end of October. At that time Holzlochner and Finks discontinued these experiments giving the reason that they had accomplished their purpose and that it was useless to carry out further experiments of that kind.

Q. And then Rascher continued experiments on his own?

A. Yes. Then Rascher conducted these experiments giving the reasons that he had to build a scientific basis for them and he prepared a lecture for the University Marburg on that subject.

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Q. How long did Rascher continue to experiment with freezing by cold water?

A. Until May 1943.

Q. Now, were the experimental subjects for the freezing experiments selected in the same way as for the high-altitude experiments?

A. No. Here Rascher turned to the camp administration and told them that he needed so and so many experimental subjects. Then the political department of the camp selected ten inmates by name. That list was sent to the Camp Commander and was signed by the Camp Commander and they were then sent to Rascher's station and the subjects on that list had to be experimented on. The original list I could use as evidence material in the first Dachau trial as evidence.

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Q. Now do I understand then that the experimental subjects used in the freezing experiments were political prisoners?

A. There were certainly a number of political prisoners and also a number of foreigners, but certainly there were also prisoners for war and also inmates who had been condemned to death.

Q. Those persons were not volunteers were they?

A. No.

Q. Now suppose you describe to the Tribunal exactly how these freezing experiments were carried out, that is what tests they made, how they measured the temperature and how the temperature of the water was lowered in the basin and so forth?

A. These basins were filled with water and ice was added until the water measured three degrees, and the experimental subjects were either dressed in a flying suit or were placed into the ice water in a naked state. During the period when Holzlochner and Finke were active most experiments were conducted under narcotics while during the Rascher period he had always rejected narcotics because he maintained that you could not find the exact condition of the blood, and that you would exclude the will power of the experimental subject if he was under anesthetic. Now whenever the experiment subjects were conscious it took sometime until so-called freezing narcosis set in. The temperature was measured rectally and through the stomach through the Glavanometer apparatus. The sinking down of the temperature until 32 degrees was a terrible plight for the experimental subject. At 32 degrees the experimental subject lost consciousness. Those persons were frozen down to 25 degrees body temperature, and now in order to enable you to understand this problem, I should like to tell you something about the Holzlochner and Finke period. During the period when Holzlochner and Finke were active no experimental subject was actually killed in the water. The death cases only occurred at that time during the revival or rather during the re-warming. The temperature was further cooled down which caused the heart failure, and this also occurred because of the flight therapy so that in contrast to the low pressure chamber experiments, it has to be said here that the death victims of

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the Finks-Holzschner period were not in the basin having their full consciousness, while in the air pressure chamber each death case cannot be considered as an accident, but as a willful murder. However, it was different when Rascher personally took over these experiments. At that time a large number of the persons involved were kept in the water for so long a time until they were dead.

Q. Now, witness, you have identified the defendant Woltz in the defendant dock. On what occasion did you meet Woltz?

A. I met Woltz in Munich. I saw him there once. According to my recollection it was in Luftgau Department 7, Prinzregenten Strasse No. 2, and I saw him speak there to Rascher and at a later date Rascher told me that was Professor Woltz. I remember this incident especially since Rascher often discussed Woltz and his animal experiments which he carried out with reference to freezing matters. I never saw Professor Woltz in Dachau or anywhere in the camp.

Q. Do you know witness whether Rascher and Woltz exchanged information on freezing problems?

A. I don't know that. I should assume it since Rascher discussed Professor Woltz's experiments, and he certainly must have had some exchange of ideas with Woltz regarding that matter. However, I know of no correspondence with Woltz.

Q. Do you recall the occasion when two Russian officers were experimented upon in the freezing experiments?

A. Yes.

Q. Will you relate that incident to the Tribunal?

A. Yes. It was the worst experiment which was ever carried out. From the bunker two Russian officers were carried out. We were forbidden to speak to them. They arrived in the afternoon at approximately 4 o'clock. Rascher had them undressed and they had to go into the basin in a naked state. Hour after hour passed and when usually after a short time, 60 minutes the freezing would have set in, these two Russians were still conscious even after two hours. All of our appeals to Rascher asking him to

gave them an injection was without purpose. Approximately in the third hour one Russian said to the other, "Comrade, tell that officer, that we may shoot us." Then the other one replied, "Don't expect any mercy from this racist dog." Then both shook hands and they said, "Goodbye, Comrade." And how can one imagine that we inmates also had to be witnesses of such a death, and could do nothing against it. then you can really estimate how terrible it is to be condemned to work in such an experimental station. After these words, which were translated to Russian by a young Pole in a somewhat different form, Rascher went back into his office. The young Pole immediately tried to give them an anesthetic with chloroform, but Rascher returned immediately. He threatened us with a pistol, and he said "Don't dare interfere and approach these victims." The experiment lasted at least five hours until death set in. Both corpses were sent to Munich for autopsy in the Schwabische Hospital there.

Q Witness, how long did it normally take to kill a person in these freezing experiments?

A The length of the experiment varied, according to the individual case. It always varied considering the fact whether the subject was clothed or unclothed. If his physical construction was weak and if in addition to that he was naked, death often set in already after 80 minutes. But there were a number of cases where the experimental subject lived up to three hours, and remained that way in the water until finally death set in.

THE PRESIDENT: The Tribunal will recess until 9:30 tomorrow.

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CORRECTION SHEET
for
CORRECTED TRANSCRIPT
18 December 1946

Page 644 in the attached transcript is non-existent.



CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany on December 18, 1946, Justice Beals, presiding.

THE PRESIDENT: The Military Tribunal is now in session. God save the United States of America and this Honorable Tribunal.

There will be order in the court.

THE PRESIDENT: The Marshal will ascertain if the defendants are present.

THE MARSHAL: May it please Your Honor, all defendants are present in court this morning.

THE PRESIDENT: The Secretary General will note in the minutes the presence of the defendants in Court.

The prosecution may proceed.

WALTER REFF — Resumed

DIRECT EXAMINATION — Continued

BY MR. CHASEY: (Counsel for the prosecution)

.. Witness, at the end of the session yesterday we were discussing the freezing experiments, the water freezing experiments, and you had described to the Tribunal the death of the two Russian officers; I would like to ask you a few more questions with respect to these freezing experiments. Will you describe to the Tribunal the method used for rewarming the victims of the freezing experiments?

.. During that period when Rascher and Holloekner were there the rewarming at the beginning was carried out by massage and partly by means of injections of drugs affecting the heart, and also by means of rewarming by electrical heaters and partly by means of a warm bath. On each occasion the body temperature was that of the experimental subject. At the end of the Holloekner period the hot water rewarming method was introduced and that was carried out at the end of the rewarming period with the exception of a few special experiments with animal

warmth. For this warmth about 10 women from the concentration camp at Ravensbruck were ordered to report to Dachau and were forced to press themselves naked against the body of the frozen person in order to re-warm him in that manner. These are the methods which were employed in order to rewarm the frozen body.

Q. Now, Witness, did I understand you to say that the hot water bath method of re-warming was not adopted until after Holzlochner and Finke had left?

A. After Holzlochner and Finke had left the station hot water re-warming was also carried out.

Q. Do you recall receiving orders in September 1942 from Sievers to take the hearts and lungs of 5 inmates who had been killed to Professor Hirth in Strasbourg for further scientific study?

A. It is correct that I had to take specimens from the morgue belonging to 5 persons who died during experiments that had to be taken to Strasbourg to Hirth. I myself, of course, have never carried out an abduction and therefore have not prepared these specimens. Sievers at that time gave the order that I should have to go to Strasbourg and there deliver the glasses to Professor Hirth, together with an accompanying letter. This was the end of September or the beginning of October. The travel warrant had been made out by Sievers and likewise the bodies' expense was born by Weissenhorbe.

Q. Had the 5 experimental subjects been killed shortly before you left for Strasbourg?

A. I cannot remember with absolute certainty whether the specimens were fresh or whether they originated from earlier death cases. I do know that amongst the specimens there was one from a Dutchman. The other four I cannot recollect for certain to say which nationality they were.

Q. Did you deliver these hearts and lungs to Professor Hirth in Strasbourg?

A. I delivered them in Strasbourg, not directly to Professor Hirth, but I had to hand them over to the laboratory at the University there.

The letter to Professor Hirth I handed to him personally, and he wanted me to return and see him in the afternoon, since he had to give something to me to take to Dachau. He gave me a closed letter to Dr. Rascher and a parcel which I handed Rascher for him to give to Sister Pia.

Q. Now, Professor Hirth was also a member, in fact the head of the Department of the Ahnenerbe Society, was he not?

A. To know that Professor Hirth was also making experiments and belonged to the Ahnenerbe Society.

Q. Tell me just what you know about those experiments which Professor Hirth was carrying out?

A. I can only repeat what I have heard. Amongst us in the camp there was a rumor that Professor Hirth was also making freezing experiments with comrades from the concentration camp at Natzweiler, but I have not heard any confirmation of this.

Q. Did you hear what sort of experiments these were?

A. I only heard about freezing experiments, what type or any details I do not know.

Q. I suggest to you that Professor Hirth was carrying out mustard and lost gas experiments; did you ever hear of that?

A. No.

Q. As I recall you having stated Sievers made certain visits to the experimental station when the freezing experiments were being carried out?

A. Yes, Sievers visited the experimental station quite frequently. He was present a few times during experiments, but I do not recollect whether he was present during experiments which resulted in death.

Q. Didn't Rascher make written reports to Sievers as being the high manager of the Ahnenerbe Society?

A. There were monthly reports at the first of the month and quarterly and 6 monthly reports, which were detailed reports to the Ahnenerbe Society. They were the working reports, following in detail exactly

what types of experiments and how many experiments were carried out. I also know at the end of these reports that the number of deaths were stated. I have deposited a copy of the reports with the Tribunal in Dachau.

Q. Now, Witness, didn't Rascher also make reports to the Luftgau No. 7 in Dachau?

A. In Dachau to Air District No. 7 and the Sanitary Department of No. 7 final reports. These were reports which were handled as top secret, and they were sent to the Reichsfuehrer-SS, Eevers and to the Sanitary Department of the Air District.

Q. Tell the Tribunal, Witness, what this Luftgau No. 7 in Munich was?

A. That I cannot explain. I only know that the designation Luftgau Sanitätsamt No. 7 existed, and that the offices were in the Prinz Regentenstr., and that Rascher was receiving instruction from there too. To whom the reports were handed directly and to whom they were passed on, is something I do not know.

Q. But you do know that Luftgau No. 7 was a medical installation of the Luftwaffe, isn't that so?

A. Yes.

Q. And was it not on the occasion of the delivery of one of these reports when you went with Rascher to Luftgau No. 7 and on that occasion that you saw the defendant Helms?

A. Whether it was on that occasion when a report was delivered or some other occasion, since Rascher visited Luftgau No. 7 quite frequently, is something I cannot recollect exactly. I don't want to state that it was just the day when a top secret matter was handed over.

Q. Was Rascher well known in Luftgau No. 7 in Munich?

A. Yes, because before Rascher was the head of the experimental station in Dachau he had an experimental station dealing with "E" measures at Schöngau, also coming under Luftgau No. 7.

A. Now, Witness, let's move along to the dry freezing experiments;

When were they first conducted, do you know?

A. According to my recollection the air freezing experiments were carried out in January, February and March 1943. - First of all one experiment was made when the prisoner was placed on a stretcher at night and put outside the block. He was covered with a linen sheet, but a bucket of cold water was poured over him hourly. That experimental subject remained there under these conditions until morning and the temperature of that experimental subject was taken with a thermometer. Later Rascher said that it had been a mistake to cover the person with a linen cloth and pour water over him since that had produced wrong results as the air could not get at the body of the person, and therefore in the future experimental subjects were not allowed to be covered up any longer. The next experiment was a mass experiment when 10 prisoners were also put outside naked at night. The temperature of one of them was measured with a galvanometer, the others with a thermometer.

Rascher was present during approximately eighteen to twenty experiments of that type, but I cannot remember exactly how many deaths occurred and if deaths occurred in connection with these experiments. I would like to say with certain reservations that approximately three deaths occurred during that period.

On one of the subsequent days, Dr. Rascher telephoned me and said that Dr. Grawitz was here and he was demanding that at least one hundred experiments of that type should be carried out. He gave me the order that ten experiments had to be carried out that night by me. I told him that this was an impossibility since I did not have the material to carry out the experiments. I tried to stop it. Dr. Grawitz then came over the phone and he said I should not try to make excuses, but should carry out the experiments. I said I would try to carry them out. I went back to the block and discussed the matter with my comrades. My comrades said they thought it would be better to carry out the experiments without Rascher being present, for if Rascher was present, it would be more dangerous.

We gave an ovipar anesthetic to ten prisoners. One detainee was put out until ten o'clock in the morning. At night, at ten o'clock, it was said no one could enter the camp. If it should be ordered, it would be an SS man or Dr. Rascher and we would be warned because the camp would be illuminated with a red lamp, the sign for the guards, as no one was allowed to move in the camp.

Toward six o'clock we found the patients back outside, but we took a careful record indicating that ten experiments were made. That is why in the record of the experiments carried out by Dr. Rascher it is stated that experimental subjects had remained from the evening in outside temperature from three to ten degrees below freezing without anything happening to them and that a hot bath put them back on their feet. An expert would say immediately this was a possibility that cannot be exact. It was in that manner in theory we carried out one hundred experiments, but in practice there were only twenty. I want to emphasize in these experiments, there were neither cases of illness or death. If during these experiments any detainees suffered in any way, I would be fully responsible for them. I know as a doctor, I was more responsible to my patients than those who need not bother their conscience with this affair.

Q. I understood you to say something about approximately three deaths a few moments ago. What did you have reference to then?

A. These deaths were due to the fact that during the initial period of these air freezing experiments, which occurred when Dr. Rascher was present when, of course, it was impossible to put the people inside the cell or blocks, that they died of the consequences or died during the freezing.

Q. How long were these people kept outdoors?

A. The longest period about which I know lasted from six P.M. to nine A.M. the following morning. It was a man Rascher kept outside for experimental purposes.

Q. How low did their temperatures drop?

A. The lowest temperature, which I can recollect during the open air freezing experiments was twenty-five degrees body temperature.

Q. I take it that these experimental subjects suffered quite a bit. Is that true?

A. Yes, because at the beginning Fischer had prohibited that these experiments were to be carried out under anesthetic, but the experimental subjects screamed to such an extent it was impossible for Fischer to carry out the experiments without anesthetic, so he wrote a report to the Reichsfuehrer-SS in which he gave reasons and made the suggestion that these experiments in the future would not be carried on in Dachau, but in Auschwitz or some other camp.

Q. Now, were these experimental subjects selected in the same manner as those for the wet freezing and high altitude experiments?

A. Yes.

Q. In other words, some of the experimental subjects were political prisoners, some were criminal prisoners and not all of them had been condemned to death; that correct?

A. Of the experimental subjects subjected to air cooling experiments, none were people who were sentenced to death. They were prisoners of various nationalities. There were also German political prisoners and "green" prisoners.

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Q. And these prisoners had not volunteered? Had they?

A. No.

Q. Now, witness, tell us to the best of your ability, tell us how long Dr. Rascher was a member of the Medical Service of the Luftwaffe?

A. I can only say that up until the end of 1943 Rascher appeared in the SS uniform. On the other hand, I know that as early as the beginning of these freezing experiments, they were carried out by the Ahnenerbe Institute and the finances of the Ahnenerbe Institute paid the expenses.

Q. How do you know that they paid the expenses?

A. I know that from the correspondence, which Rascher had with the Ahnenerbe Institute since the clerk working in the office was telling us currently about most important matters. He, too, you know, was a prisoner.

Q. But, Rascher did up until the end of 1943 wear the uniform of a Luftwaffe officer; is that correct?

A. Yes.

Q. So that all during the high altitude experiments, the freezing experiments in water and the air freezing experiments, Rascher was wearing the uniform of a Luftwaffe officer; is that right?

A. Yes, he was a captain or staff medical officer of the Luftwaffe.

Q. Alright, witness. Let us move on to a different matter. You remember that you worked with Robert Weichs, Pacholek and Rascher in connection with blood coagulation drugs?

A. Yes, but pacholek did not arrive at the station until the beginning of 1942, whereas Robert Weichs came in May of 1943. May I, with the permission of this High Tribunal, explain in detail the circumstances under which these drugs were worked on, parallel with the time the air freezing experiments and the water freezing experiments were going on? Now Rascher was trying to develop a new type of freezing experiment by use of direct blood pressure device and he was looking for machinery which would enable him to take blood pressure directly after. It was impossible to take it directly on the experimentees once they reached bottom level. This would cause a new lot of experiments and we were determined to stop Rascher at all costs in some way or another from

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taking on this type of experiments. I was sent out to find a chemical assistant. He needed someone for the laboratory who would be able to help as someone would have to be there for this work on the prisoners themselves. Weichs was introduced to me, but he refused to try Rascher's experiments and he said he would not work in the laboratory. He said he was a chemist and the only thing he would be able to make was a coagulation which would be used in powder form. After checking with my comrades, we decided we must have this man at the station at any costs and maybe it would be possible to stop Rascher from making those experiments in order to make him carry out harmless experiments. Rascher turned me away on two occasions, but the third time he followed my suggestions.

I, myself, went to Weichs' relatives to discuss the matter with him and told him and his lawyer that I was pursuing the plan to detain Rascher, whom I knew was a blood-hound and thus to bring Weichs into the station in order to bring out an easier type of experiment, as good human judgment was not causing the experiments.

There was an agreement on the lawyer's part and also on Veichs' part and thus Veichs came to our station. At the beginning of May, Rascher went on leave and in the meantime Veichs had started with the production of coagulant tablets. Rascher returned towards the end of May and a method was developed which would enable us to test the effectiveness of these tablets. This was a well-known clinical method. From a vein some blood was extracted by means of a hypodermic syringe and the drops of blood were placed on a glass plate, and then by means of a small glass tick they were stirred in order to find out how soon they would get solid. Then the person in question would take one or two tablets, and then every five, ten and fifteen minutes more blood was extracted in drops in order to test its qualities. Likewise, these tablets were sent to the dentist station and to the operating theater. Right up until I was transferred to the front — or rather until I became ill in the end of June or the beginning of July, I never observed on a single occasion when anyone might have suffered through these experiments. When I came back from the front they had reached the stage where Rascher was intending to begin the production of these coagulant tablets which was to take place in Luckenau (?) near the Swiss border.

Q. Well, witness, I understand that they made those clinical tests on these blood coagulant drugs, but didn't you also know that Rascher shot people and created wounds on their body to test this blood coagulation drug under more realistic conditions?

A. Only after the arrival of the American troops, I heard rumors to that effect from a comrade, that things like that were supposed to have taken place.

Q. Well, but, witness, suppose you saw certain documents all written by Oswald Pohl to Rascher and you saw a lot of Rascher's mail in which Pohl took Rascher to task for having mentioned in an article that experiments were made on concentration camp inmates, would you suppose that those experiments were the simple clinical tests which you

have mentioned?

A. A written report from Rascher to Pohl is known to me. The situation was this: Rascher was making a number of important written reports by writing them at home, not in the station. If such a report is in existence then it

certainly wasn't written in the station's office because I have no knowledge of any similar report. Furthermore, we must consider this: from June 1943 until January 1944 I was absent from the station.

Q. You do not recall having seen a letter then from Oswald Pohl to Dr. Rascher telling him that he must not mention in any report that he has been experimenting on concentration camp inmates with respect to polycal or this blood coagulation drug?

A. No, I know nothing of such a report.

Q. But you did hear after you returned from the Russian front that Rascher had in fact created wounds artificially on prisoners in order to test this blood coagulation drug, did you not?

A. For all necessary matters, I only heard - not after my return from the Russian front - but earlier and later after the arrival of the Americans.

Q. You were never present in the crematorium with Rascher when he dissected a body and used the blood coagulant to see if it would staunch the flow of blood?

A. No, I never saw that.

Q. Tell me, witness, you remember having seen Professor Blome on one occasion, don't you?

A. I saw Professor Blome once fleetingly in Munich at a time when Veicks had to return a radio set to Blome, but I never saw Blome at the station.

Q. I didn't ask you if you had seen him at the station, but I ask you now if he had a mustache when you saw him?

A. I didn't pay enough attention; that is, I can't say whether he was wearing a mustache or not.

Q. Now, did you hear Dr. Rascher mention Blome's name on occasions?

A. Yes, that is correct to say that Rascher spoke of Blome quite frequently, not so much to us though but when visitors were there, such as Standartenfuhrer Sievers or other visitors from the SS, then Blome was talked about.

A. He was mentioned in connection with the coagulation drugs and also in connection with Veicks.

Q. Did you understand that Blome was interested in the experiments being conducted on polycal?

A I can only assume, I can't state for certain.

Q Well, let me read you a few excerpts from a diary kept by Sievers and see if these could refresh your recollection in any way about the connection between Professor Bloem and Dr. Rascher.

MR. MCHEANEY: I am referring to Document 3546-PS, Your Honors, and I read from page 170 the English Document Book Number 3. The first entry I would like to call your attention to is number three. It says: "SS-Hauptsturmführer Dr. Rascher supplied questions from production of polygal experiments. Professor Bloem — polygal report to SS-Gruppenführer Professor Gebhardt, SS-Untersturmführer Ebben as manager of polygal production. Color material chemist for 6 weeks, test report on polygal."

BY MR. MCHEANEY:

Q Now, what do you understand all of that to mean, witness? Here we find Professor Bloem's name mentioned in connection with Rascher's, apparently relating to the polygal experiments. Can you throw any light on that subject?

A I know that the leadership of the SS was very much interested in polygal. Of the color experiments which you have mentioned, I know nothing; and it is to be assumed that Bloem was interested in polygal because otherwise it would have been impossible that Rascher could have spoken so often of Bloem and I know that he often visited with him.

Q Where did Rascher visit with Bloem?

A At Munich.

Q Did you understand that Bloem lived in Munich?

A Whether he lived at Munich or whether he had his office there, I don't know, but I assume that that was where he had his office.

Q How far is Munich from Dachau?

A 18 kilometers.

Q Now, another item in this diary of Sievers says, "Professor Bloem by telephone advised of Reichsführer SS order concerning his work at Dachau and collaboration with Rascher." Do you know what that means?

A I beg your pardon, but I have not exactly understood what was said.

Q This is an entry in Siewers' diary made on the 25th of February 1944. You had just recently gotten back from the front and therefore this matter should have been fresh in your mind. The entry reads, "Professor Blome by

telephone advised of Reichsfuehrer SS order concerning his work at Dachau and collaboration with Rascher." In other words, Sievers was telephoning Professor Blum and told him about the Reichsfuehrer SS order concerning Blum's work at Dachau and his collaboration with Rascher. Now, don't you know something about that?

I know nothing about this telephone conversation. It was difficult from all these facts to know precisely what the plan was because on the one hand Rascher said to Veichs once if Pohl comes to this station and if you disappear and it has to be through the window, don't let Pohl see you because he will shoot you down. I never knew and neither did Veichs what the background of the story was of that, whether it was an intrigue of Rascher or whether Pohl had something against Veichs. Veichs did not recall that he ever had any controversy with Pohl. To come back to the telephone conversation, it may have been so that on the part of the Brunner's Society and on the part of the Reichsfuehrer there was a great deal of pressure for the production and manufacture of that coagulation drug. Maybe that is what it refers to.

Q. I don't want to press this point too far, but the entry very clearly says that Blome is to collaborate with Rascher, and I am asking you if that wasn't a fact and don't you know it to have been a fact that Blome did collaborate with Rascher?

A. I only know that Blome frequently mentioned Rascher - excuse me - that Rascher often spoke about Blome and that Blome frequently visited Rascher that it always applied to the case of Veichs and the coagulation drug, that also clear to me. I have still to say that I myself have never seen Blome at the station.

Q. I want to read you one other entry in this diary. It is dated the 3rd of March 1944. It says: "Conference, Blome, Rascher, Rau, at Professor Thiessen's. L-questions." I ask you if you don't know that the phrase "L-question means Lost questions, mustard gas questions?

A. No, that is not known to me.

MR. MCHEANEY: This was Prosecution Exhibit 123, Your Honors.

BY MR. MCHEANEY:

Q. Do you know whether Rascher ever received any research assignments from the Reich Research Council?

A. Yes. The assignments for experiments came from Sievers and I assume that Sievers received these assignments from the Reich Research Council. Direct assignments from the Reich Research Council did not come to my knowledge. At least I do not know of any correspondence which might have come directly from the Reich Research Council that went over the Ahnen-erbe Society; that is to say, via Sievers.

Q. Well, you will recall that you got a letter from Rascher in the latter part of 1943 in which he very generously offered to give your wife fifty Reichsmarks a month to help support her while you were in police training. Don't you remember that letter?

A. Yes. I wrote to Rascher from the front and I wrote him that he should see to it that my wife should get some support. She received neither any support from the Ahnen-erbe Society nor from anybody else while I was at the front. Upon that Rascher answered that he would see to it and that of course

he himself was ready to send fifty Marks per month to my wife. My wife never received anything; she never received a penny from Dr. Rascher.

Q Don't you recall also, in the same letter, that he told you he had received a research assignment from the Reich Research Council?

A I know, but whether I have that knowledge from letters from Rascher or from letters which came from Dr. Bunsenruber I can not say for sure. There was some correspondence about the fact that an assignment existed for experiments, to the effect that in the mountains freezing and high altitude experiments should be carried out and that for that he would like to call me back from the front. I may also give some explanation on this point. It is far from me to praise myself and it would be below my dignity to do so. If Rascher praised me, if he tried to - and that applied to all his employees - if he tried to recruit those from former inmates, there was a good reason for that, because they were in his hands completely and he knew that from that side there would never any danger occur; because what would it have meant if any statement against it would have come from a former inmate? I think that was the reason why Rascher always recruited from the inmates for his service. It is indeed true that I fulfilled every private wish that Rascher had, I had my definite reasons for that. I remember once Rascher brought shoes that had to be soled and the shoemaker told me: "Yes, for you I will do it but not for Rascher." When Rascher wanted to call for the shoes I told him it wasn't possible for me to get a shoemaker, that he should be patient. It was about five o'clock in the evening; he was still in his car. He got out of his car and said: "Now if you won't do anything for me, then I do not have to be concerned about you." He took me for an experiment and he conducted a very mean experiment. That taught me that it was better to fulfill all his private wishes than not to do it. At the station there was a tailor, a radio mechanic, a furrier, a carpenter, who only worked for the private interests and private wishes of Rascher, and from that it can be explained that Rascher praised me in some reports. I do not deny this and I do not

deny that in some respects Rescher had great confidence in me.

Q Now, Witness, you say Sievers was a member of the Reich Research Council?

A Yes, I even assumed that Sievers was vice-president of the Reich Research Council. At any rate, Rescher said so.

Q: Wasn't Blome also a member of the Reich Research Council?

A: That I can only assume. I could not say that with certainty; I do not know it for sure.

Q: Well, how could you assume it? What information do you have which leads you to believe that he might be?

A: I assume it because Rascher and Blome, also Hirth and all those with whom Rascher was in direct contact, all those worked together with the Ahnenerbe Society and also with the Reich Research Council.

Q: Well, you don't exclude the possibility then, do you, "it seems, that this research assignment that Rascher received from the Reich Research Council came from Blome rather than Siemers, do you?

A: Are you now asking concerning the coagulation drug?

Q: No. I am asking you about the freezing order which he told you about, that is Rascher told you about in the letter he wrote you while you were in training for the police.

A: An answer to that would only be an assumption. It may be possible, but I could not say with certainty whether it was so or not.

Q: Do you have any information as to whether or not Blome knew about the freezing experiments which were carried out by Rascher in Dachau? Did he know about these?

A: Very definitely I could not say of course. I could neither see that from any correspondence nor from any other source. I know, however, that at that time Rascher was in contact with Blome and he considered it always to be very dangerous when Rascher went on trips and suddenly came back with a new idea and introduced something new into these experiments.

Q: You mean he came back with some of these ideas after he had made a visit to Blome?

A: This would be saying too much, after he came back from Blome. But that group of doctors with whom he was in contact was a source for instructions, that is to say, for new ideas; about that I have no doubt.

Q: Let's skip on to your knowledge about these poison experiments that Rascher carried out in Dachau. What can you tell us about these?

A. The poison experiments which Rascher carried out in Dachau were conducted very secretly by him. We only saw that he manufactured drugs, that he took cyanide and that he left with these drugs. From people from the crematorium and from the bunker we heard that he used these drugs there; that is, he told the inmates they had to take these tablets. They swallowed them and some of them perished under very bad pains. I have never seen these things neither did Rascher ever speak about this kind of experiments in our presence. But I know that they distributed at least 60 to 80 of these tablets, or rather that he manufactured at least 60 to 80 of these tablets every day and took them along with him. He always went to the crematorium or to the bunker and that is where he conducted these experiments. Any more definite details are not known to me. It was almost proverbial among ourselves to say: "They are making some sort of a drug now so that they can disappear quickly when things go wrong."

Q. About when did these poison experiments take place?

A. January, February and March '44.

Q. Now can you tell the Tribunal very briefly - - I don't want you to go into much detail - - just what happened to Dr. Rascher?

A: Yes. In March 1944, our attention was called to the fact, by a notice in the newspaper, that a child had been stolen in Munich and the description of the woman supposed to have done it fitted to Mrs. Rascher. It was clear to us, especially since the fur coat was described which had been manufactured at the station. It was also remarkable that when this happened I was called to Munich by telephone. I arrived at eleven o'clock at Rascher apartment and saw the woman who had been brought from the air raid shelter who was given alcohol and also saw the child. The child was pale and hardly had the appearance of a new born child. When the notice appeared in the newspaper it was clear to us that something had gone wrong. However, about six days later there was another notice in the newspaper saying that the child had been returned. I looked for a reason and an excuse to go to Munich again with a comrade to Rascher's apartment to see if the child was there. I saw a child and saw that it was a different one and I asked the maid what had happened to the child I saw before. She said the child was sick. About three days later, Mrs. Rascher and Dr. Rascher were arrested. Dr. Rascher was sent to Munich and, on the evening when he was sent to Munich, he called me up by telephone and told me to come to his apartment. I came to his apartment and found that everything had been demolished and Rascher was in his bed. Rascher told me that his wife had been arrested; that the children had been carried away, and that his wife was accused of leaving stolen a child and that he was confined to his house. He gave me the key for the safe and asked me to bring him certain items. At that time, I used the opportunity to remove several very important documents and, in November 1944, I buried them. Later, I was frequently questioned by the criminal police of Munich about that kidnapping and I have found out from the police that Mrs. Rascher did not only kidnap that one child but all four of them and I was trying to find a notice for that. I could not explain to myself how a woman could kidnap four children and I was told that the Reichsfuehrer had prohibited Rascher from marrying that woman because she could not have any children. After she had given Rascher two children in this way, he had given him the permission to marry her. It was,

however, very interesting that Rascher, in spite of all these things, about four weeks after his arrest was released again and so was his wife. I was very much worried myself that Rascher would get after us again. Rascher telephoned me that I should come to him immediately. I went to Munich and Rascher told me I should make inquiries as to whether Pacholek was in the camp. In the meantime Pacholek had fled. Rascher said that man could be very dangerous to him. He had very carelessly discussed several things with him and he would see to it to prevent that man from making any statements. Thereafter I went to the camp and informed Rascher that the man was not in the camp. I then went to the criminal police in Munich in order to tell them that Rascher intended to do away with the witness. Thereupon Rascher was arrested again, together with his wife. From that moment on I have not set eyes on Rascher again nor heard about him. Only when the Americans had arrived did I hear about him again.

Q. Let's go back for just a few questions to the high altitude experiments. What did Rosenberg usually do while the experiments were being conducted?

A. Rosenberg watched the experiments, took notes, took the cardiograms. He was also in the experiment van with several subjects to measure the pulse.

Q. Now, you say that on occasion he ran the electrocardiogram?

A. Yes.

Q. Tell the Tribunal what an electrocardiogram is and what it shows.

A. The EKG is an electrocardiogram which, in a photographic way, shows the activity of the heart and from which can be seen how the heart reacts in such altitudes.

Q. Can you tell, when you were running that electrocardiogram, when an experimental subject in the chamber was about to die?

A. For the experts it is certainly possible, if the experiment has been pushed to the extent that the man dies. In these low pressure vans, however, people were trembling and, of course, that trembling showed on many of the cardiograms, but for a doctor it must have been possible to determine whether death would occur or not.

MR. McHANEY: I have no further questions at this time.

THE PRESIDENT: Does the defense counsel have any questions to ask the Prosecutions's witness on cross examination?

Prior to the opening of the cross examination the Court will be in recess for fifteen minutes.

(A recess was taken)

Court No. 1

THE PRESIDENT: The Tribunal is again in session.

CROSS EXAMINATION

BY DR. SERVATIUS:

Q. Witness, you were asked previously whether Doctor Rascher received orders from the Reich Research Council were you not? You answered that question with, yes; and, you added that Sievers gave these orders coming from the Ahnenorbe. Do you know what position Sievers held?

A. Doctor Rascher told me that Sievers was the Vice-president of the Reich Research Council. That is the reason why I came to the logical conclusion that every order coming from Sievers also came from the Reich Research Council.

Q. Well, that was a conclusion, was it not?

A. Yes.

Q. Now, if I was to tell you that Sievers was the Manager of the Ahnenorbe would you still retain your conclusion?

A. If it was to be known that Sievers was the Vice-president of the Reich Research Council, then my conclusion was erroneous.

Q. Witness, it was both — he was the Deputy Manager of the Reich Research Council and also the Manager of the Ahnenorbe. Do you still retain your conclusion?

A. If he was both, then, I still remain at my assumption; namely, that the orders which came from Sievers also went over to the Reich Research Council.

Q. Witness, yesterday you stated that you saw the defendant, who is the first one in the first row, in the Concentration Camp at Dachau. When was that?

A. It was during the time from 1941 until the end of 1942. I could not determine the exact date.

Q. Witness, where did you see him?

A. It was in the Concentration Camp of Dachau, and within the hospital at Dachau.

Q. Who was he accompanied by?

A. I do not know.

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Q. Whom did he speak to?

A. I merely know that he came with a number of officers, and I only remember it because he was -- I remember him because he was with high SS officers.

Q. Did you, at that time, know what position he held?

A. No, I do not know that now.

Q. Was that discussed at that time? Was it not said that he had a special position?

A. The inmates naturally discussed our visitors as to who they were. In this case I did not learn who this man was -- this man who was visiting us.

Q. Would you have not found out that he was the escort physician of the Fuehrer? Would that not have been conspicuous enough for every one to know about it?

A. You have to consider that we inmates --

Q. (Interposing) Witness, will you answer that question, yes or no? After that you can make explanations.

A. Will you then repeat the question?

Q. Would it not have become known in the camp that the escort physician of the Fuehrer was the visitor there?

A. No, it does not necessarily follow because we inmates only got to know the names of the visitors if we listened to the conversations, and if, during the conversations, a name was mentioned, we knew that one person came for a visit.

Q. Was his name mentioned?

A. No, I do not remember his name being mentioned in that connection. They were visitors, and they inspected the hospital without speaking to anyone.

Q. Well, how could you recognize the defendant here in the dock?

A. I should like to say because he has a very remarkable face.

Q. Did you see pictures in the newspapers about this trial before this date?

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A. I saw a description in Dachau -- I think it was the Southern German newspaper, but I did not see a picture.

Q. Did you see that man for any length of time in that camp or was it just temporarily?

A. Only temporarily.

Q. The defendant contest ever having been there. Is it not possible that you are mistaken?

A. I try to be truthful in all of my testimony.

Q. Please answer, yes or no?

A. No.

Q. You recognize the defendant Sielvers as a man?

A. I saw Sielvers so often and I spoke to him so often that it is impossible to deceive myself about him.

Q. Did he, at that time, look as he does now?

A. No.

DR. SERVATIUS: I have no more questions.

BY DR. SERVATIUS.

Q: Witness, you were just asked how you were able to recognize the defendant Brandt. He is the first person in the first row. I should now like to ask you to look at the second man sitting in the second row: that is the defendant Ruff. How do you recognize him? Does he have such an outstanding face, too? Just look at him. And, I should like to remind you, before giving your answer that according to your own testimony of yesterday you recognized that man, and you said that you had only seen him for one single time, and that was five years ago. Well, how do you recognize that man?

A: That was the time when the experiments started, and I should like to say that it was a completely new period for me. Ruff, in addition to that, was in uniform — at least, the man who accompanied Doctor Rosenberg was in uniform.

Q: Witness, I should like to point out to you that this man, whom you recognized again or whom you said you recognized again, Doctor Ruff, and he did not wear a uniform at all. And you have just said, namely, that you recognized this man because of his uniform, is obviously untrue, and I am going to prove that to you.

A: I did not say that I recognized the man because of his uniform, but what I said was that he was in uniform.

Q: No, I put it to you that he was not in uniform. I found out about that especially, and that would have been the next question arising — to find out whether this man was in uniform or not. And, now, I ask you to answer my question, finally. How did you recognize the defendant Ruff?

The second man in the second row. How do you recognize him again? Because of his uniform or because of his outstanding face or why do you recognize him?

A: If you place yourself in the position of a inmate, just imagine officials arriving in uniform and starting with the experiments. Rosenberg, just as a doctor, very often discussed Ruff, and the fact that Ruff always had a friendly word with Rosenberg on this violation experiment was partly discussed during the first visit, that is, at the beginning of the violation experiment. These three gentlemen arrived, and I stated that Ruff was present at that time.

that first day -- Rosenberg will have to confirm this; he will have to confirm that on that day not only he and Doctor Rascher were present, but also a third person.

Q. I should like to put something else to you: Doctor Rosenberg will tell you, under oath, that he, on the 22nd of February 1942, the date you mentioned yesterday, was not present. And, he knows that exactly for the following reason, and I am telling you this in order to enable you to refresh your memory: The family Rosenberg had expected the birth of a child on the 9th of March, and for that reason Doctor Rosenberg stayed at home until the 9th of March with his wife. And, it was only on the 10th of March 1942 that he went to Dachau. And, on that occasion Doctor Ruff said he was not present, and I am soon going to tell you when Doctor Ruff arrived at the scene for the first time. And now, I am again asking you to answer that question. Are you still saying, today, in spite of what I put to you, that Doctor Ruff was present on the 22nd of February 1942; that is, on the first day, during these experiments at Dachau?

A. I maintain that on the 22nd of February experiments were conducted for the first time; and I maintain that Rosenberg was there in Dachau that day; and I know it exactly because in the room where Rosenberg and Rascher were there was a table where gifts were laid; and it was very embarrassing to me that the gentleman arrived on that particular day. If I have to correct myself in any way, it could only be that on that day it was not Ruff but another Luftwaffe officer; but I am quite sure that Rosenberg and Rascher were in Dachau on the 22nd of February. I am not the only witness for that. There are many more witnesses.

Q. I am mainly interested in the defendant Ruff, the second man sitting in the second row; but I must again revert to the question which you have not yet answered, namely, how you here in this courtroom recognized the defendant Ruff. Go ahead and answer.

A. How do you recognize the man?

Q. Don't ask me any questions. Just answer the question which I just put to you.

A. I just recognize him.

Q. Before you spoke about a uniform. The man isn't wearing the uniform at all. You spoke about the outstanding features of the defendant. Will you perhaps maintain that Dr. Ruff has any outstanding feature and that was the reason why you recognized him? You only saw him once in your life?

A. Yes.

Q. Well, how did you recognize him?

A. If you meet people under these circumstances, then you do recognize them again; and if you ask me about details, I cannot tell you any. I am merely saying that I recognized the man again.

Q. But you cannot tell us how?

A. I recognized him generally because of his face because that is how you generally recognize a man.

Q. And how about this question of the uniform in order to conclude that point? Are you still saying that this man wore a uniform?

A. I said that the man who came with Rosenberg and Rascher on the 22nd of

February wore a uniform. If Ruff later arrived there in civilian clothes and was present, I have already stated that that was possible; but I did see Dr. Ruff at the beginning of the experiments.

Q. Did you speak to Dr. Ruff at all?

A. No.

Q. You did not speak to him?

A. No.

Q. Didn't he introduce himself?

A. It wasn't customary that an officer introduced himself to an inmate.

Q. Well, I just wanted to establish that he didn't introduce himself.

A. No.

Q. And you weren't introduced to him either?

A. No.

Q. You never spoke to him?

A. No.

Q. But you did recognize him here again?

A. Yes.

Q. Did you know that this Dr. Ruff was a defendant here and that he was sitting in the defendants' dock? Did you know that yesterday when you entered this courtroom?

A. I approximately knew the names of the persons who were indicted from the newspaper.

Q. Did you know that from that newspaper, the Southern Germany newspaper, where the pictures of these defendants were carried?

A. No.

Q. Are you sure about that?

A. No, I am quite sure that the edition that I read did not carry any photographs.

Q. And you did not receive a picture of the defendants' dock?

A. No. I was at the Bunker in Dachau.

Q. But with reference to your testimony of yesterday and today you had been interrogated about it previously?

A. Yes..

Q. Here in Nurnberg?

A. Yes.

Q. When for the last time?

A. During the course of the last six days.

Q. The last six days repeatedly?

A. Yes, repeatedly.

Q. About the subject to which you testified here?

A. Yes.

Q. Witness, I have another question. You know that this low pressure chamber with which the high altitude experiments were conducted--you know that this low pressure chamber was removed from Dachau after a few months?

A. Yes.

Q. Do you know that your chief, Dr. Rascher, repeatedly tried the following months to get this low pressure chamber back from the Luftwaffe?

A. Yes, I know that.

Q. Do you know that it was for that reason that Dr. Rascher, for instance, turned to Starkartenfuhrer Sievers, whom you recognized; that he turned to SS-Obergruppenfuhrer Wolff; and to the Reichsfuhrer-SS?

A. Yes.

Q. And do you know that these gentlemen whom I just mentioned to you wrote to the Luftwaffe, that is, Dr. Hippke, the chief of the Medical Services of the Luftwaffe, and to General Field Marshal Milch, asking them to return this low pressure chamber to Dachau? Do you know about that?

A. I know that Rascher tried to get this man back to Dachau and for that reason he turned to the Reichsfuhrer repeatedly.

Q. Repeatedly?

A. Yes.

Q. Do you know that the low pressure chambers were not returned in spite of that; and do you know why?

A. No.

Q. Did Dr. Rascher tell you anything about that?

A. He only said that "I shall be able to persuade the Reichsfuhrer that the chambers be carried back to Dachau."

Q. Witness, you told us yesterday that during the first three weeks approximately the experiments with the low pressure chamber were conducted without any accidents?

A. Yes.

Q. And then one day Dr. Rascher told you that he was going to carry out serious experiments, and for that reason he saw to it that a certain number of Russians were put at his disposal? Is that right?

A. Yes.

Q. You further told us that these experiments were conducted at night after Dr. Romberg, who is the fourth gentleman sitting in the second row, had left?

A. No.

Q. You said that yesterday.

A. No, these first experiments were conducted during the whole day; but Romberg was not present that day.

Q. Do you know what these serious experiments consisted of? How could you differentiate the serious experiments from the other experiments during which Romberg was present?

A. Rascher referred to the so-called sudden decrease of pressure. I have to express myself as a layman. The experimental subject was placed into a small chamber and was placed into a high altitude of approximately five to eight thousand meters. Suddenly this altitude was increased to an altitude of sixteen thousand and higher; and this sudden increase, this sudden change of pressure, caused death. This is how Rascher killed most of the experimental subjects.

Q. But he only started with these experiments about two weeks after the harmless experiments?

A. According to my recollection, yes. Whether such sudden decrease or increase of pressure experiments were conducted before that I don't know.

Q. And Rascher started with these serious experiments at the time when Dr. Romberg was not present?

A. Yes.

THE PRESIDENT: Counsel for the defense, you will please refrain from propounding your questions quite so quickly and give the witness a chance to answer and give the translator an opportunity to complete the translation.

Q. During the earlier experiments where no incidents occurred and which only lasted approximately three weeks, you stated yesterday that ten inmates were selected as the official experimental subjects. Is that right?

A. Yes.

Q. Were they criminal inmates?

A. Yes.

Q. They were all criminals?

A. Yes.

Q. Do you know whether these ten criminal experimental subjects were especially well treated?

A. Yes.

Q. They received better nourishment? Is that right?

A. Yes.

Q. They received cigarettes?

A. Yes.

Q. And the witness Vieweg told us for you that they were strong men — is that right? That is Vieweg's expression, "strong men"?

A. I think they were people of a medium body construction, medium physical construction.

Q. Witness, you told us yesterday how you sabotaged the continuing of the experiments; for instance, the low pressure chambers. Do you remember that?

A. Yes.

Q. You told us that you took a little file and you filed this glass tube where the mercury rises and falls?

A. Yes.

Q. You further told us that as soon as the pressure was increased, the damaged tube could not stand the pressure and then burst as a result; is that correct?

A. Yes.

Q. Witness, do you really want to maintain that?

A. Yes.

Q. Witness, just consider the following point. You made a mistake in your way of thinking, and you thought that you could improve your situation by telling us that. The higher the airplane rises the lower is the pressure. The mercury tube does not rise when the airplane rises but falls down, pressure decreases and you made this mistake. After I put that to you, do you still want to maintain your erroneous description under oath?

A. Yes.

Q. And then I shall put another point to you where you made a mistake. You told us yesterday that on this glass tube where the mercury rises and falls there was a little glass vessel which also burst when the measuring apparatus burst, and this little vessel at the bottom, where the mercury was, also burst. Even that statement of yours is erroneous and untrue for this glass vessel about which you told the Tribunal yesterday, in reality consists of metal, and now I am asking you again, are you still maintaining your obviously untrue statement of yesterday about this point, in spite of your oath?

A. Yes.

DR. SAUTER: In that case, I have no further questions, Mr. President.

CROSS EXAMINATION

BY DR. VORWERK: (Defense counsel for Rosenberg)

Q. Witness, assuming you were in a position to give us

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exact details, I can only say give us an expert opinion about medical matters, I should like to find out about your medical career. Did you receive any medical education?

A: No, in no way at all.

Q: You had no medical education whatsoever?

A: No.

Q: Do you think that a man who received no medical education at all could adopt an attitude towards the questions, which you did yesterday, in an exact and true manner?

A: As far as I gave my answers yesterday I always emphasized that this was an opinion. To what extent it is an expert judgment I cannot decide, and this has to be left to the experts.

Q: Now, if I understand you correctly, you want to say that you do not consider yourself competent for an expert opinion on medical questions?

A: Yes.

Q: You just told Dr. Sauter that you were interrogated on this subject here in Nurnberg for approximately six days. Were these the only interrogations about that subject, or were you interrogated at an earlier date?

A: I was interrogated about these matters at an earlier stage, also.

Q: When was that?

A: That was June, July and August, 1945.

Q: Does your testimony of June and July, 45 tally with the testimonies that you made before this High Tribunal here yesterday and today?

A: During those months I was not interrogated about the manner in which the experiments were conducted, but mainly about medical matters as far as I remembered them.

Q: I only mean with reference to the questions which

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were put to you at that time and now, does your testimony tally?

A: In all my statements I try to tread on a correct road and say the complete truth, and I think that the answers that I gave at that time have to tally with the answers I am giving today.

Q: But you don't know that exactly, do you?

A: Well, I don't know exactly what questions were put to me at that time.

Q: So if I summarize your answer, you are saying that as far as you remember your testimony of June-July, 1945, tallies with the testimony that you made before this Tribunal?

A: Yes.

Q: Now, I should like to draw your attention once more to the high altitude experiments. When did you see Dr. Rosenberg for the first time?

A: After the vans arrived. That was at the end of ^{beginning} January or // of February. Rosenberg gave us directives how those vans were to be installed, and I then saw him on the 22nd of February, 1942.

Q: Did he give you those directives?

A: There were craftsmen there who were composed of inmates and they were the ones who received those directives.

Q: When was that?

A: That was at the end of January or the beginning of February.

Q: Well, at that time you saw Dr. Rosenberg for the first time?

A: Yes.

Q: Did you know Dr. Rascher before that?

A: No, I had met Rascher in the camp on two or three occasions but I really met him for the first time at the

aviation experimental station.

Q. Well, when did you see Rascher for the first time in the camp?

A. It is very hard to say that. That was during 1941.

Q. Did you still know about Rascher's activity, what he did in the camp, when you saw him for the first time?

A. I knew that he was collecting blood of cancer diseased persons in order to conduct experiments.

Q. Did Rascher tell you who had commissioned him to conduct high altitude experiments?

A. No.

Q. Did you later learn from Dr. Rascher or somebody else under whose orders Dr. Rascher was conducting these experiments?

A. I did not learn that directly from either of these two gentlemen as to who exactly gave the order for these experiments.

Q. In your testimony of yesterday you differentiated clearly, and I mean within the framework of these high altitude experiments, between certain series of experiments. For instance, you stated that for the first series of experiments, the normal series, ten inmates were placed at the disposal?

A. That's right.

Q. And then these subjects were experimented upon. You stated that these ten inmates were criminal inmates?

A. Yes.

Q. You further state that beyond that Dr. Rascher, after the conclusion of the experiments with the ten inmates, was conducting further experiments with other inmates in addition to the ten?

A. It really wasn't the case that only these ten experimental subjects were used, but that a number of other inmates

were taken to the experimental station to be experimented upon.

Q. But do you know what the aim was that was thought to be achieved by carrying out these experiments?

A. No.

Q. Do you know that a report was made with reference to these experiments?

A. I only know that after the conclusion of the experiments Rascher stated that now these experiments were to be exploited scientifically and that Rascher went to Munich. I knew no details about any contents of such a report.

Q. Do you know whether these experiments were actually concluded? Since a report was made the outsider would naturally think that these experiments were concluded. Do you know anything about that?

A. No, I only know Rascher said that there was a lot to be done yet and he was going to try to keep the vans there.

Q There is something not very clear about that. It is hard to understand that a report was made about these experiments and on the other hand it is hard to understand that Rascher tried to keep these chambers in the concentration camp of Dachau or to get them back. Really, it seems to me if the experiments were concluded then why did Rascher want it sent back? Can you clarify that?

A I can only give my opinion about that, which is that Rascher was a very ambitious man and he wanted to continue these experiments on his own initiative. Furthermore, during the experiments in which Dr. Rosenberg was not present Dr. Rascher experimented on his own initiative and he wanted to prevent Rosenberg from knowing about it, otherwise he wouldn't have conducted these experiments during the night when Rosenberg was absent.

Q Now if I understand you correctly, the van was originally brought to Dachau to perform a certain series of experiments and that Rascher only conceived the idea later to perform the further experiments which went beyond the original series of experiments, are you of that opinion?

A Yes, I share that opinion although I think it is plain that considering the ten ones who were selected originally for the experiments they were given the assurance that nothing would happen to them.

Q Who gave them that assurance?

A Rascher, he gave this assurance to these ten comrades.

Q He mentioned that to you?

A Well he didn't have to mention it to me. However, I had to undergo a number of experiments, but this assurance was not given to me.

Q In the beginning of the experiments wasn't it obvious to you that considering the talks which Rascher and Rosenberg had that no one but the ten were to be used wasn't that quite obvious to you?

A At the beginning?

Q At the beginning of the experiments, yes that is what I am asking you, wasn't that obvious to you?

A At the beginning of the experiments it could be assumed that only the ten experimentees were to be used.

Q Do you know that on the part of the camp administration a directive

went to the inmates stating that they could volunteer for these experiments, and could then expect to be released, or at any rate receive more favorable treatment?

A It is not known to me that this was in any way publicized by the camp administration.

Q But you did state yesterday that a number of the experimental subjects did volunteer?

A It was only possible that the man concerned approached Dr. Rascher directly, which was difficult, and Dr. Rascher was frequently asked and quite often an inmate who had been assigned to hard work and knowing that he would get better treatment somewhere else would put himself at the disposal of these experiments, and in addition at the time the Reichsfuehrer visited the camp it was promised to the inmates.

Q Who promised that to them? Did you hear that?

A Yes.

Q Do you know the words he used?

A On the visit of May 5th experiments were conducted in the presence of the Reichsfuehrer and at that time the Reichsfuehrer said these people who are undergoing experiments, if they survive they can be released.

Q You said that it was clear to you or obvious to you at the beginning of these experiments that only those ten persons were to be used. According to your opinion, wouldn't that have been obvious to Dr. Roehm too?

A Yes.

Q So you mean that Dr. Roehm participated in this series of experiments with the intention of experimenting on those ten persons?

A Yes.

Q And in addition you say that Rascher three weeks later was conducting certain experiments, experiments which went beyond the original intention. So far it has not become obvious what the purpose of these experiments was. It appears to me that the purpose was to determine how

the electrocardiograph recorded the living person's heart reaction, can you say something about that with reference to the purpose which Roscher wanted to achieve with reference to his experiments, I mean the experiments, which went beyond the test persons?

A. His purpose was to use the electrocardiograph on dying persons, it was obvious, and I refer to the time when the electrocardiograph was used on persons whose heart was still beating, but I don't know what purpose Dr. Rascher had in mind. I hadn't known in the case of the first one, and no electrocardiograph recordings were made.

Q. Who was present during these times?

A. It was Dr. Rascher, Hauptcharfuehrer Endes and an SS man who was unknown to me.

Q. Didn't you receive knowledge later what purpose Dr. Rascher wanted to achieve with the further experiments? Did he intend to conduct a certain series of experiments or were they individual experiments, or didn't he know perhaps exactly what he wanted or did he want to kill people?

A. The purpose of these current killings by Rascher is not known to me. At that time I was completely new to the entire sphere and it was impossible for me to make any observation. I cannot state anything in that regard.

Q. The purpose of the experiments which were ordered by the Luftwaffe Research Institute, where they were originated, and if I shall tell you that if the report which was submitted to the High Tribunal where it was stated people can be saved from high altitude, or rather from the dangers arising from high altitude, and at that time Dr. Rascher and Dr. Rosberg conducted these experiments on these ten or other inmates, according to your opinion, was it necessary in order to test the possibility of saving people from high altitude, was it necessary to kill people for that purpose?

A. No, we were told, or rather I was told by Dr. Rascher that these experiments were being conducted because during the parachute landings at Orto many German parachutists landed in a dead condition, and that was the reason for the series of experiments.

Q. So you state it was not necessary to conduct these experiments to kill people for that purpose? Did experimental subjects die during the day? In the report which was submitted to the Tribunal by the Prosecution, it was stated that during these high altitude experiments there was no loss of life. Do you know whether these experimental subjects lost their lives?

A. I know that a number of persons lost their lives during the experiments which were conducted in the day time, but it is possible these experiments

were not included in the report, but I am sure there were victims during the day.

Q He previously merely differentiated between the series of experiments which Rosenberg and Rascher conducted by order of the Luftwaffe Research Institute and such experiments which Rascher conducted because of his own interest or by personal order of Himmler. Now did Rascher only conduct these later experiments during the night or also during the day?

A He also conducted them during the day.

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Q. Was it possible for you at that time to determine which experiments were conducted by order of the Luftwaffe Research Institute, by Rascher and Romberg, and which experiments were conducted by Rascher personally on his own initiative or by order of Himmler?

A. It is impossible for me to differentiate here as to just who ordered those individual experiments.

Q. Now if, in this report about the experiments which were ordered by the Luftwaffe Research Council, it was mentioned that people did not lose their lives during those experiments, would you say that was a lie, or would you say that this series of experiments which were selected for that report was merely with reference to the normal experiments where the ten persons were used?

Before you reply, I should like to point out to you that at that time there was no reason to state in a report that experimental subjects did not die, if they actually did, because nobody would have prosecuted the people concerned anyway.

A. If in that report on the experiments which you have mentioned there was no mention of any case of death, then in my opinion the number of death cases was wilfully kept out of the report. During the time the report was made the persons who made that report knew clearly that there were a number of death cases during the course of those experiments.

Q. You do not differentiate sufficiently. Please think very carefully. I spoke about two kinds of experiments: I spoke about the ones which were conducted by Romberg and Rascher by order of the Luftwaffe Research Institute and secondly, I spoke about the experiments which Rascher conducted either because of his lust for murder or because of Himmler's order. Would it not have been possible that all cases of death occurred in the latter series of experiments, and that for that reason this series of experiments was excluded from the report to the Luftwaffe Research Institute?

A. In fact, the position was that Romberg was present during some experiments which resulted in death. I cannot differentiate as to where the orders for the individual experiments came from, or rather, in whose interests they

were made; it is impossible for me to decide that. However, when making the report, it must have been that these death cases were intentionally omitted from the report to the Luftwaffe.

Q. You stated that out of seventy to eighty death cases you recall five cases where Rosenberg was present. According to that, he was not present during most of the death cases.

A. Yes.

Q. Who was present during the other death cases, during the sixty-five or seventy-five cases?

A. Mostly an SS man from the camp administration, either the camp commander, detail commander, or block commander, and Rascher. Even the camp commander was present during such experiments which resulted in death.

Q. These experiments where sixty-five to seventy-five persons died, were they similar to the ones during which Rosenberg was present, or were they not? And the experiments which resulted in death and where Rosenberg was present, were they similar to the ones which were conducted on the original ten persons?

A. I must say, according to my layman opinion, that every death case in the air-pressure chamber was brought about wilfully and intentionally.

Q. And whose will was that?

A. The will of the person who was conducting these experiments.

Q. And who was conducting these experiments?

A. Rascher and Rosenberg. Exactly who had the orders, who had the directive and referring to the experiments where Rosenberg was present, I don't know.

Q. But it is rather peculiar that in sixty-five to seventy-five cases Rascher bore the responsibility alone on his own shoulders, while in five cases both of them carried on this experiment and bore the responsibility. Was your presence voluntary during these experiments?

A. No.

Q. Why didn't you leave?

A. There was martial law in the camp. It was said that whoever did not obey an order given by an SS man would be shot. Secondly, after the incident which I have already told about -- I mean the tailor incident -- if had left that

station another person would have come in to my place. No person would have been kept out of these experiments and not one victim would have been saved.

Q. Yes, but you would not have been present; another person would have been present.

A. Yes.

Q. You say that it was impossible not to be present, is that right, without the greatest of danger?

A: I have to say -- and I am fully aware of the consequences--it was not only the martial law, it was not only fear of Rascher that compelled me to stand that situation, but it was my duty to stay there and to prevent everything that could possibly be prevented.

Q. According to your opinion, would it have been possible for Rosenberg to refuse to appear during these experiments? You have stated, and I remind you of it, that most of the experiments, or the normal experiments, were conducted by Rosenberg and Rascher and that later in the evening, after Rosenberg had left, Rascher continued to conduct experiments; and further, that Rascher conducted particularly dangerous experiments when Rosenberg was not present. Did you have the impression that Rosenberg, on his own initiative, liked to watch these experiments?

A. No.

Q. Do you believe that Rosenberg, if he had had the opportunity, would have preferred to be absent during these five experiments?

A. I was asking myself what really could have happened to Rosenberg if he said he wanted to leave, and if he did not want to be present.

Q. You think there was no danger for Rosenberg had he not been present? What was Rascher's power in the camp?

A. Rascher's power in the camp had no limit, but not at the beginning. Rascher's power increased periodically, and towards the end he was so strong that no one could interfere with him in the camp.

Q. Was Rascher a member of the SS at the beginning of the experiments?

A. I only heard that Rascher, ever since 1934, was a member of the Gestapo

Q Was he a member of the SS at the beginning of the experiments?

A I don't know that.

Q If you take these matters into consideration, wouldn't you say that Rascher's position was far more powerful than Rosenberg's?

A Yes.

Q And furthermore -- and I am repeating this question -- don't you believe that, judging from his entire behavior, Rosenberg would have preferred not to be present during those five cases?

A I have already emphasized, yesterday, that I had the impression that Rosenberg wanted to withdraw those things, and I should not like to deny that Rosenberg, under the circumstances, had wanted to withdraw from those five where death occurred. Whether he did not do that because of lack of sufficient courage or for other reasons and yet remained there, I do not know.

Q But it was not possible for you to find out whether the will to conduct those experiments originated from Rascher or not?

A It is very hard for me to say yes or no; I can only express my feelings and my feelings are that the initiator of these things was Rascher.

Q You said that Rosenberg was present during those five experiments which resulted in death. Do you recall the details of those five experiments?

A Surely the details --

Q (Interposing) I mean, with reference to all five.

A. I cannot make any detailed statement as to what happened in the individual experiments.

Q. Do you remember exactly who was present during the other 65 or 75 experiments which resulted in death?

A. Whether the Commander of the Camp or the Detail Commandant was present or whether anybody was present, I do not know, that is, with reference to the individual cases.

Q. Well, how is it that you just remember that with reference to these 5 experiments?

A. Especially in the case of Rosenberg, of whom I had the impression that he tried to keep away from these things, it is very clear and obvious that I remember exactly when he was present.

Q. You said that the first experiment took place approximately 3 weeks later. That was after the orderly experiments had already started?

A. Yes.

Q. At that time you further stated that Rosenberg was not present?

A. No.

Q. When Rosenberg came back did you tell him that in the meantime death had occurred during these experiments?

A. No.

Q. When did Rosenberg for the first time have to recognize that he was concerned with experiments which could result in death?

A. He must have recognized that for the first time when it was tried to persuade Rascher to desist from conducting these experiments which could result in death; and it is then that Rosenberg for the first time had the certainty that experiments were conducted which could result in death.

Q. What did you tell him? Do you remember what you told

him?

A. I know that I met him in the corridor of the hospital and that he was just about to go to the X-ray Station. I cannot give you the exact words but approximately I told him: "Doctor, murder is happening back there. An SS-man took a man there. Rascher wants to conduct an experiment which will result in death and I am sure this man was not condemned to death." I told him, "Come along with me", and he went along with me to Rascher's room, where these matters were discussed. That is my recollection.

Q. How often did you approach Romberg on that matter?

A. Only with reference to these 2 cases which happened on the same day.

Q. And in both cases Romberg successfully prevented these experiments being carried through?

A. Yes.

Q. Why didn't you later approach Romberg since you had such good successes after your original conversation with Romberg?

A. In this case the SS man who worked there in the hospital took an experimental subject there and I know he had never received an order to do that by the Camp Administration. However, if the Camp Administration or rather people on the staff of the Camp Administration had people brought to these experiments, I, as an inmate, could not interfere in any way at all.

Q. Could Romberg have prevented it had he wanted to?

A. If the man came from the Camp Administration, Romberg could not have prevented it.

Q. Are you of the conviction that if it had depended on Romberg alone there would not have been any death experiments during these high altitude experiments?

A: I am of the conviction that if Ramberg had had the order to conduct these experiments alone, without Rascher, there would have been no death cases.

Q: Now let us turn to this one experiment where you told us about the autopsy at the altitude of 10,000 meters. Were you at that time in the low-pressure chamber?

A: No.

Q: Where did you observe this frog?

A: From the corridor where there were 2 windows I was in a position to observe.

Q: Did you see that Ramberg became air sick?

A: Yes.

Q: Who conducted the autopsy?

A: It was conducted by 2 inmates who came from the morgue. They were present in the low-pressure chamber.

Q: Did Ramberg participate in the autopsy?

A: No.

Q: Were you ever actually present in the low-pressure chamber during experiments?

A: Yes.

Q: Did you ever hear, as Dr. Ramberg maintains, that during one experiment when he was present and had not known that it was an experiment which was to result in death, after he saw the EKG (electrocardiogram) he told Rascher that he had to stop under all circumstances because there was an immediate danger? Did you ever hear anything about that? Did you hear that Ramberg said such things to Rascher?

A: I can't remember having heard him make such statements.

Q: Where were you during these experiments? Were you close to him?

A: Just as I was near the motor but mostly I was in the far end with the EKG strip.

Q But it is quite possible that Rosenberg made such statements to Dr. Rascher without your being in a position to hear it?

A Yes.

Q During this high-altitude experiment could you not observe, during the autopsy, I mean, that was performed at 10,000 meter altitude, that Rosenberg made any signs to Dr. Rascher asking him to discontinue the experiment?

A I remember that after Rosenberg became unconscious and the pressure was considerably decreased until Rosenberg regained consciousness, that he wanted to discontinue the experiment and that he made a motion to Rascher indicating that he wanted to go outside. But then Rascher ordered that the altitude be increased again.

THE PRESIDENT: It is time for the Tribunal to recess until 1:30 o'clock.

(A recess was taken until 1330 hours.)

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AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 18 Dec. 1946)

THE MARSHAL: The Military Tribunal is again in session.

WALTER NEFF -- Resumed

CROSS-EXAMINATION - Continued

BY DR. VORWERK: (Counsel for defendant Rosenberg) Mr. President, I have no further questions to put to the witness.

DR. MARX: (Counsel for defendant Prof. Dr. Schroeder):

Q When, on the 22nd of February 1942, the car with the chamber arrived, were the Luftwaffe personnel with it?

A No, I did not see any personnel with the car.

Q You spoke, when you were examined, that several times high Luftwaffe officers visited the station. Now, I ask you did you know any of these officers visited the station. Now, I ask you did you know any of these officers by name?

A No.

Q Were these officers from the Munich Luftgau district?

A I do not know.

Q You speak of great differences between Dr. Rascher and Prof. Holzlochner; what was the cause of this, and what observation did you make?

A Prof. Holzlochner wanted to conduct the experiments under anesthetic. Dr. Rascher opposed this. I know that in this respect he wrote a report to the Reichsfuehrer criticising Rascher and Finkes for not letting him work, because he wanted to conduct the experiments under anesthetics.

Q Was it not so that Prof. Holzlochner quarreled with Rascher on other parts too? And he wanted to avoid a fatal outcome of the experiments, under all circumstances?

A Yes, that Prof. Holzlochner did not have any deaths in connection with his experiments with water. The deaths took place in the reviving, in the Holzlochner experiments; but whether there was any quarrel between Rascher and Finkes and Prof. Holzlochner in this respect I do not know.

Q Was the separation rather abrupt, or were there several differences between the two, and what was the occasion for the final elimination of Holzlochner?

A The elimination of Holzloehner and the substitution of Finke came about, because in the hot water baths they had found, or had sought to find, an aid to the people. A final report was dictated which all three gentlemen signed, Holzloehner and Finke, and Rascher later on.

Q But it was so, was it not, that Prof. Holzloehner wanted to have the experimental subjects treated as painlessly as possible, and Rascher opposed it, and said that the people unconscious to the ice water?

A Yes.

Q Do you know whether there was any order or assignment from Luftgau-Amt 7?

A I do not know whether there was an order from the Luftgau-Amt 7, or not.

Q Well, did Rascher then report to this Luftgau-Amt 7?

A Yes.

Q Did you yourself see these reports?

A The secretary of the station, to whom these reports were dictated, had to make three or four copies of these reports. And, as Top Secret, these reports were sent to the Standartenfuhrer Dr. Sievers and to the Luftgau-Amt 7. How long the Luftgau Medical Office received these reports, I do not know. Whether they received them until the end of the experiments, I do not know.

Q You were speaking of a Luftgau Medical Office, but there was no such office; isn't that the Luftgau-physician?

A No. "Luftgau Office" or "Luftgau Medical office; The Luftgau Medical Office 7", which I think.

Q Then, there was a distribution list on these reports?

A Yes.

Q Was it always the same?

A I don't know.

Q Was it changed, from place to place?

A I don't know.

Q Did these reports refer to both to the high altitude experiments and to the cold experiments, or only to the latter?

A I know them only with reference to the latter.

Q Were there any gentlemen from this Luftgau Medical Office Munich 7, as you call it; were any gentlemen present at the station, to your knowledge?

A There were Luft-Gau-officers from the station, but whether they were from the Gau Medical Office or not, I do not know.

Q Could one see, from any indications, whether they were medical officers or whether they were pure Luftgau officers; couldn't you have told whether they were medical officers; wouldn't you have been able to conclude that, from what they said?

A I know that officers with the medical staff were there. The talks were always in Rascher's room, so that I could not know anything about them.

Q Did you recognize the medical insignia?

A Yes, I did.

DR. MARX: Then I have no further questions to put to the witness.

DR. WILKE: (Counsel for defendant George August Wolts.)

Q Witness, I have a few brief questions to put to you, to supplement your testimony of yesterday and today: You have stated, among other things, that you did not see Prof. Wolts in Dachau, but, if I may say so, that you saw him accidentally one day talking to Dr. Rascher in front of the building of the Luftgau-Kommand in Munich; the question is: Do you remember, approximately what day?

A No.

Q But, perhaps you can say, since you remember the 22nd of February so well, was it before or after that time, before or after your birthday.

A It was rather late. It was later. It could only have been from the 15 of September, '42, until June '44.

Q That is, at a time when Dr. Rascher had already left Luftgau-Post 7 in Munich?

A No.

Q Do you know when he left that position?

A I know that he wore a Luftwaffe uniform, as far as I can recall, until August '43.

Q The fact in and of itself that he wore a Luftwaffe uniform, would not make it run, that he was assigned to Luftgau 7. He was originally at Schongau.

Now, I come to the next question: In the months of February and March, '42, he was removed from Luftgau 7 and transferred away; did Dr. Rascher ever tell you that he had been transferred away from Luftgau 7?

A No.

Q He never said anything about it to you?

A No.

Q And didn't you know that in February, or in the beginning of March, there were serious differences between Prof. Dr. Woltz and Dr. Rascher; didn't he say anything about that to you?

A During the course of several conversations which I heard, he told me -- well, he didn't tell me, but I heard it -- that he did not take Prof. Woltz' experiments very seriously.

DR. WILLIE: That information is very interesting and it brings me to my next question.

BY DR. WILLIE:

Q Dr. Rascher was greatly interested in Dr. Woltz's animal experiments; that is true, is it not?

A According to his statements, yes.

Q Did you notice, or do you have any indication, that Dr. Rascher, and later Dr. Holzlochner, when his experiments had begun, attempted to find out what results Prof. Woltz had had with his animal experiments?

A I do not know about that.

Q. Did Dr. Rascher perhaps tell you that Professor Welts had the ambition of taking over these experiments? Did Rascher ever say anything like that to you?

A. No.

Q. But perhaps you know that Professor Holzloehner on occasion came to see Dr. Welts to compare his experiments on human beings with Professor Welts's animal experiments, but that Professor Welts refused? Did you hear anything like that?

A. No, I never heard that there was any exchange of opinion between Holzloehner and Welts.

Q. But you know that Professor Holzloehner at the Muenberg meeting on 16 October 1942 reported on human experiments?

A. Yes.

Q. But you do not know that before that he had asked Professor Welts to report to him on his animal experiments and that Professor Welts refused to do so?

A. No.

Q. Now, a little different subject. Do you know that at about the same time, that is, the summer or fall of '42, Professor Holzloehner wanted to have apparatus, a calorimeter, from Professor Welts and that Welts told him, through his assistant, that he refused to turn over the apparatus?

A. Please tell me what a calorimeter is.

Q. I can't describe it to you at the moment. I can only give you this explanation after consulting with Professor Welts, but at least you can recognize whether you were ever there and asked for a calorimeter

A. No.

Q. Well then, it is not necessary for me to describe the apparatus.

A. No.

Q. Do you know from the fact that you were constantly together with Dr. Rascher how he felt toward Professor Welts? Did not Rascher ever speak somewhat ironically about the results of these animal experiments?

A. Rascher did not appreciate Woltz's animal experiments I know.

Q. Concerning high altitude experiments and the so-called severe experiments and the serious experiments, I need not go into. They have been asked you repeatedly today, but I should like to come back to one question, one statement of yours which you made today. You said that once or several times -- I don't remember exactly -- you delivered reports to the Luftgau Medical Office and you said that these were "Top Secret" reports. You can confirm that there was an express notice "Top Secret" on these reports?

A. I recall one report exactly. It had a yellow stripe across the folder. It was sealed and I had to bring back a receipt. Whether it was Geheime Reichs sache or Geheime Kommando sache, I don't know but it was one of the two. I delivered it in the Luftgau Medical Office VII.

Q. This term "Top Secret", does it mean anything to you? Do you know how far the obligation to keep such a document secret went?

A. I know only that I was told I must not let it out of my hands and must only give it to the person to whom it was addressed, if I understand your question correctly.

Q. Yes, you understood me correctly; and to whom was this one document with the yellow stripe addressed?

A. I don't remember.

Q. You don't remember. Perhaps you can tell me one thing, whether the presence of Professor Woltz before the building of the Luftgau Command in Munich had any connection with the delivery of this report?

A. No.

Q. Did you not consider it possible that it was purely a coincidental meeting of Professor Woltz and Dr. Rascher before this building?

A. Rascher took me with him in his car to Munich. He stopped in front of the Luftgau Office. I stayed in the car and Rascher went into the building on some errand; and then downstairs I saw him speaking to someone and when we got into the car, he said that was Professor Woltz.

Q. Then you know Professor Meltz only from this one meeting?

A. Only from that occasion, and I remember it only because Rascher had frequently mentioned him before that.

Q. Very well, and perhaps you can tell me whether Professor Meltz was wearing a military uniform at that time or whether he was wearing civilian clothes?

A. I remember he was in civilian clothes.

Q. Thank you, that's enough.

CROSS EXAMINATION

BY DR. FROESCHMANN(counsel for the defendant Viktor Brack)

Q. Witness, I have only a few questions to put to you. You mentioned "commissions" which in 1941 and '42 visited the camp of Dachau, is that correct?

A. Yes.

Q. Did these commissions include doctors?

A. There were many visits from doctors. To say in detail whether they were definitely medical visits, it is impossible to say.

Q. What was the purpose of the visits of these commissions?

A. Most of these visits were to inspect the hospital, and if it was by doctors, the medical installations.

Q. Then you don't know the names of any doctors?

A. Aside from Dr. Grawltz and Dr. Conti, I don't know the names.

Q. Then you spoke of the regrettable invalid action in Dachau, that was also in '41.

A. It began in the middle of '41.

Q. The middle of '41. Did you know what reasons there were which induced the camp commandant to carry out this inhuman action?

A. After the files had been sent to Berlin, it was our opinion that it was not the responsibility of the camp commandant but that it was ordered from above.

Q. Then you said that the death notices did not give the place in which

this invalid actually died, but gave Dacheu, that was falsification of the document. Do you know on whose instigation this false information was put into the announcement?

A. No.

Q. I have no more questions.

CROSS EXAMINATION

BY DR. ORTH (Counsel for the defendant Sievers):

Q. Witness, do you know that Himmler protected Stabsarzt Dr. Rascher particularly?

A. I know that Mrs. Rascher was a friend of Himmler. When Rascher began the experiments, he had little power, but his powers were increased in the course of his work.

Q. Was Mrs. Rascher employed in the camp at Dachau?

A. She was frequently in the administration. She was not in the concentration camp itself.

Q. Was it possible to do anything against Dr. Rascher with Himmler, to influence Himmler against Rascher?

A. I cannot give an opinion on that question.

Q. Did you have the impression that Sievers was brutal toward the prisoners, or did he take the part of the prisoners?

A. It is true that Sievers was correct in his treatment of the prisoners.

Q. Was Sievers interested more in the human experiments or in the other developments in the laboratories?

A. I am convinced that Sievers had the same interest in the other experiments as in the freezing experiments.

Q. In Sievers' diary it says on the 6th of April, '44, "Hoff: Instructions given, all work to be continued without Rascher until my arrival on the 14th of April, '44." What work does that refer to?

A. Would you give me the first date again?

Q. The 6th of April, 1944, after Rascher's arrest apparently.

A. The transfer of the station for the production of the blood coagulant to Schlechter was planned. In the meantime, Dr. Rascher was arrested. Sievers,

and it was also in our interest, wanted to get to Schlechter. Rascher's arrest was kept secret. With an SS escort and the five prisoners, I went to Schlechter. Whether this was the period in question I don't know, but I assume that it refers to these things.

Q. During Rascher's arrest did you continue Rascher's work on Sievers' instructions?

A. When Rascher was arrested I went to Berlin on the next day to report to Sievers, and when I explained the thing to him he answered: "Well, yes." Then I was told that Rascher would be the greatest failure of my life. "What doctor can we entrust with the continuation of the work?" And I told him that Dr. Floetner could be trusted. I knew that he would never conduct inhumane experiments. Then Sievers sent me to Schlachter's to continue the work on the production of the blood coagulate drug.

Q. Yesterday you stated that the prisoners did not volunteer for the experiments. Do you know that the prisoners told third persons that they had volunteered?

A. I said that there were individuals who volunteered for the experiments, for the so-called blood coagulate drug experiments. We had many volunteers. The detail instructors consisted of five prisoners and myself and we all volunteered to conduct these experiments on ourselves.

DR. ORTH: I thank you.

THE PRESIDENT: Is there any further cross examination of this witness on the part of Defense Counsel?

The Prosecution may proceed.

REDIRECT EXAMINATION

BY MR. McHANEY:

Q: Witness, would you describe Sievers as having been a pretty good friend of Himmler?

A. Yes.

Q. Did Sievers ever voice any objection in your presence to the experiments which resulted in the murder of some of the experimental subjects?

... No.

Q. Now, on the high altitude experiments, do you know whether Ruff or Rascher was the superior of Rosenberg?

... No.

Q. Didn't you know that Rosenberg was attached to the Institute in Berlin of which Ruff was the chief of the medical department?

A I know that Rosenberg came from the Toppelhof Research Institute or something like that but that Ruff was Rosenberg's superior I did not know.

Q You didn't know exactly what Ruff's connection with the high altitude experiments was then?

A No, I did not know that.

Q Now, you related to this Tribunal the incident where you interceded with Rosenberg to prevent the execution of the tailor in the low pressure chamber. Do you remember that?

A With Rosenberg, yes.

Q And Rosenberg had the courage on that occasion to object to Rascher, did he not?

A Yes, he went to see Rascher immediately and talked to him.

Q But he did not object on the occasion of other persons being killed, did he?

A In the experiments already mentioned, I do not know that he raised any objections or that he opposed it.

Q Well, didn't the fact that he objected on one occasion and didn't object on others indicate to you something of his attitude toward the death experiments?

A I must repeat that I had the impression that Rosenberg would have been glad to disassociate himself from these matters. I did not hear any objection to these matters.

Q Now, let's go back to the sabotage of the low pressure chamber. I take it that some of the Defense Counsel feel that this probably did not occur and I questioned you at some length yesterday with respect to that matter. You still state that you did, in fact, file one of the glass gauges on this low pressure chamber and in that way succeeded in having the chamber damaged, is that right?

A The Defense Counsel may be right that I do not know exactly when the mercury rises, but it is certain that I know that during the experiment the mercury would rise and I also know that when someone went into the car, the car would lean a little to that side and that the mercury had to rise. Everything made of glass in this instrument was shattered. Whether the mercury

container at the bottom was of glass I don't know, but where the gas went into the mercury container was certainly of glass because that is where I filled it.

Q. And while you are not an expert on these matters, you do know that considerable pressure was exerted inside of that chamber, do you not?

A. I did not understand the question. What do you mean when you say "pressure in the chamber?"

Q. As I understood one of the Defense Counsel's questions, he was urging to you that, as a matter of fact, apparently, there was not considerable pressure inside of the chamber and that, therefore, it is unlikely that this glass gauge broke. Now I am putting to you that you do know, as a matter of fact, that there was considerable pressure inside of this chamber; isn't that right?

A. In the chamber the vacuum was withdrawn and the air was thinned. It was to reproduce high altitude conditions. That the physical process is that it makes the mercury rise so that one can read the altitude from the height of the mercury. When an experiment was made with a closed parachute, for instance, the mercury column fell or it rose, one of the other; I don't know whether it rose or fell. I don't remember exactly, but anyhow, I know that at one time during the experiment it rose.

Q. Now, Defense Counsel has attempted to differentiate between the experiments conducted on the original ten experimental subjects and those which were conducted on other experimental subjects, and he suggests to you that Rosberg had responsibility only with respect to the original ten subjects. Is that suggestion correct?

A. Experiments were conducted not only with these ten persons but, for example, in a series of experiments which Rosberg also conducted on a large number of other prisoners. The distinction which the Defense Counsel tries to make between experiments included in the report to the Luftgau or of death, it is impossible for me to make this distinction and to distinguish between those which fall into one category or the other.

Q. Now, do you remember whether Rascher went off with Rosberg after the low

pressure experiments were concluded to assist him in writing a report? Do you remember that?

A. I do not know where the report was made out or by whom. As far as I could learn, the report was written up in Munich, but after the report was made there were no more experiments since the chamber had already been taken away at that time.

Q. Did Rascher ever tell you that he had recommended Rosenberg for a medal because of the part he played in these high altitude experiments?

A. Yes, but that was much later. Rascher once mentioned that he had suggested Rosenberg for some award to the Reichsfuehrer.

Q. Now, you have stated, as I understand it, that Rosenberg was certainly present when five experimental subjects were killed, is that correct?

A. Yes.

Q. Now, you do not exclude the possibility that he was present when other experimental subjects were killed, do you?

A. That is possible but I can not say so; I certainly do not remember it.

Q. I think before you leave the stand, witness, that it might be well for you to describe to the Tribunal the incidents when Kapos Wagner and Bittner were killed.

A. Yes. In order to describe this incident and to give you a true picture of it please permit me briefly to explain the devilish system which was created by playing one prisoner against another by putting the prisoners in various functions. It was as follows:

The block had a senior inmate for the room and for the block. The camp had a senior inmate for the camp and then there were Kapos. These persons had to keep order and cleanliness and see that the orders given by the SS were carried out. If a prisoner was to be punished, the functionary had the duty of making a report on it. There were twenty-five blows for refusing to make this report, if not worse. In this way the prisoner was forced to denounce his comrades to the SS but if he did not report and if the block leader found that a bed was not made properly, that a knife was dirty, or something like that, then the functionary was the first to be punished and only afterwards the person who was guilty. It was therefore easy to understand that any a functionary preferred to keep his comrades in order by blows rather than to report them. On the other hand, in the case of bad bed making by one person or two, the whole block got nothing to eat. And so it came that prisoners beat other prisoners. In Dachau there were, of course, results of this system. Prisoners in their brutality were sometimes even worse than the SS. These were isolated cases in Dachau. And now I come to the explanation which you asked for. A Dutch clergyman was brought to the low pressure chamber for an experiment. The senior inmate of this block had already told me that "a very decent prisoner was coming for an experiment. Keep your eyes open." When he was brought into the block Rascher talked to him. I saw a senior block inmate of the penal or of the Jewish block looking out of the next block and impulsively said to Rascher: "Take that fellow and let this poor one go." The man in question was Robert Wagner. It is known of Robert Wagner, and every prisoner will confirm it, that he beat the prisoners inhumanely. I myself had transferred twenty-six

people to the penal block because of an invalid action in order to keep them from being sent on the invalid transport to the hospital. He immediately betrayed them and these twenty-six were sent on the transport. In the winter he let the Jews stand outdoors in the snow, herefort, in the morning and evening. I do not feel guilty for having exchanged this man for a decent fellow. I take the responsibility on myself.

The second case when I acted independently and where some people accused me of having reached judgment myself was Hutterer. He was notorious. He arrived with an invalid transport from Grosshausen. When an invalid transport arrived, it was taken to the bath. Surges had to go over to bathe, delouse and bandage the sick people and take them to the hospital. In this transport there were a number of cripples with broken bones - not simple fractures, but very complicated ones - and the one who beat his comrades was there. He was also sick and the sick people pointed him out to us and said, "He broke our bones." These people could not be cured.

THE PRESIDENT: The witness will speak more slowly.

A. The end was the invalid transport for these people. I went to this Kapo and I said to him, "I guarantee that you will recover but you will not beat anybody anymore." When he had recovered, I went and got him when Rascher told me to go to the administration and get a man for a serious experiment.

That is two times I consciously interfered. A third time - and the Court may realize from this how hard it is to pass judgment - the third case was a man named Sammedinger. He was in Dachau and was a notorious Kapo. His last act was that eight Dachau women, who had given the prisoners food, he betrayed these women and the women were in danger of being locked up. I met him on the street in the camp and said to him, "If you are in Dachau another week, I will come and get you. You may rely on it." He reported for an outside detail for Natzweiler. In Natzweiler there is a road curve construction where Kapo Sammedinger was employed as Kapo. This curve is called Sammedinger Curve because on this road construction he crippled very many comrades by beating them. As we learned from our comrades from Natzweiler, he is responsible for

the death of at least one hundred people. In this connection I may ask myself whether I would be accused for a third person for having brought him to the experiment or for the hundred deaths which I did not prevent by letting Sawedinger go. I am ready to take the responsibility for anything that happened at the experimental station with which I am charged. I did whatever I could that was positive. I am not praising myself. I do not want to say how often I succeeded in saving the life of comrades. The comrades themselves can tell you that. But what I feel as a disgrace was the manner of arrest to which I was submitted. To be put in Dachau with the very people who beat me and who murdered us as my comrades. We are locked up together with them. The people who even today say: "If we had killed you all we would at least not have any witnesses." I was in protective custody for four and one-half years under worse conditions but it was not as difficult as those six months in Dachau.

MR. McHANEY: That is all.

THE PRESIDENT: Is there any further interrogation of this witness desired? The witness will stand aside. The Prosecution may proceed.

MR. McHANEY: If the Tribunal please, we will now proceed to the presentation of evidence on the Jewish skeleton collection. This crime is charged in paragraph 7 of the indictment against the defendants Rudolf Brandt and Sielers. It is also included as a Crime Against Humanity in paragraph 12. The documents on this portion of the case are not voluminous, but I think that the Tribunal will find them quite conclusive and we are here presented with perhaps the most abominable crime which is charged in this indictment.

I come first to Document NO. NO-085 which will be Prosecution Exhibit 175. This, if your Honors please, is in Prosecution Document Book No. 9. I think it might be expedient if we remark this Prosecution Document Book #7 and it will then be in order. As I recall, the last document book was #6.

This is a letter from the Defendant Sielers to the Defendant Rudolf Brandt and it is dated 9 February 1942. Attached to this letter is a report written by Dr. Hirt and it is part of the same Document and part of Prosecution Exhibit #175. The letter reads as follows:

"Dear comrade Brandt:

"For the reason that Professor Dr. Hirt has, in the meantime, become seriously ill, I regret that I have been to submit any sooner Dr. Hirt's report which you requested in your letter of 29 December 1941, Journal No. 12/493/37. He was stricken with pulmonary hemorrhages, the diagnosis was 'Cystlung', so at least it is not TB. In addition to that he suffered from circulatory asthenia. At present he is still in the hospital but hopes that the doctor will release him soon so that he can, at least to a limited degree resume his work. Due to those circumstances Professor Hirt was able to furnish only a preliminary report which, however, I still should like to submit to your attention. The report concerns:

"1. his research in the field of microscopy of living tissues, the discovery of a new method of examination, and the construction of a new research microscope.

"2. a proposal for securing skulls of Jewish-Bolshevik Commissars
"As a supplement to report 1 some special publications are attached; of which the two articles from the 'Zeiss Nachrichten' #10 (Vol.II) and 1-5 (Vol.III) facilitate most rapid general orientation. Various other publications deal with difficult, individual scientific studies.

Sincerely yours

(signed) Sievers."

MR. McHANEY: Now, what sort of skull collection was being suggested by Professor Hirt, and being passed on by the defendant Sievers to the defendant Rudolf Brandt. We see that on page 3 of the English Document Book:

"Subject: Securing skulls of Jewish-Bolshevik Commissars for the purpose of scientific research at the Strassburg Reich University.

"There exist extensive collections of skulls of almost all races and peoples. Of the Jewish race, however, only so very few specimens of skulls stand at the disposal of science that a study of them does not permit precise conclusions. The war in the East now presents us with the opportunity to remedy this shortage. By procuring the skulls of the Jewish Bolshevik Commissars, who personify a repulsive, yet characteristic subhumanity, we have the opportunity of obtaining tangible, scientific evidence.

"The actual obtaining and collecting of these skulls without difficulty could be best accomplished by a directive issued to the Wehrmacht in the future to immediately turn over alive all Jewish Bolshevik Commissars to the field M.P. The field Military Police in turn is to be issued special directives to continually inform a certain office of the number and place of detention of these captured Jews and to guard them well until the arrival of a special deputy. This special deputy, commissioned with the collection of the material (a junior physician attached to the Wehrmacht or even the field Military police, or a medical student equipped with car and driver), is to take a prescribed series of photographs and anthropological measurements, and is to ascertain, in so far as is possible, the origin, date of birth, and other personal data of the prisoner. Following the subsequently induced death of the Jew, whose head must not be damaged, he will separate the head from the torso and will forward it to its point of destination in a preservative fluid within a well-sealed tin container especially made for this purpose. On this basis of the photos, the measurements and other data on the head and, finally, the skull itself, the comparative anatomical research, research on race membership, the pathological features of the skull form, the form and size of the brain and many other things can begin.

"In accordance with its scope and tasks, the new Strassburg Reich University would be the most appropriate place for the collection of and research upon these skulls thus acquired."

According to Sievers testimony before the International Military Tribunal, this collection was nothing but the usual anatomical collection made by any university. Nothing strange about the thing at all -- he was very unsuspecting about the whole thing. Of course, the report which we just read, which he sent along to Rudolf Brandt, very clearly states that these Jews were to be taken alive, their bodies were to be measured, and they were to be executed for the purpose of an addition to the Anatomical research at the Strassburg University.

Also a part of this document is the secret report of Doctor Hirt, and it deals with a new type of microscope. While I recommend it to the Tribunal's attention, I do not think it is necessary that it be read at this time. I just want to call your attention to a short paragraph on page 8 of this report of Hirt. It gives you some indication of what use they are making of this microscope. It says:

"The observation of bacteria in the living organism, their behavior there, and the possibility of destroying them by corresponding chemical agents.

"Work on the last-mentioned problems forced itself upon us, and the careful microscopic observation necessary in this method requires that at least the decisive fundamental points of these questions be solved by anatomy. It would therefore be wrong to stop because one had reached the limits drawn for the anatomist as such in his field, and to fail to solve the problems which offer themselves" Signed, "Hirt".

I think that short paragraph will take on a new meaning when the court has heard the proof which we shall present upon the application of mustard gas and other gases to living human beings, and the studies made of the effects of these gases upon living tissues, and how they hoped to be able to counteract to some extent the effect by the use of various chemicals.

I now turn to Document No. 090, which will be Prosecution's Exhibit 176. This is a letter from defendant Rudolf Brandt to the defendant Sievers in reply to the letter which I have just read, and which is Prosecution's Exhibit No. 175. This is dated 27 February 1942, to the Reich Business Manager of Ahnenerbe, SS-Obersturmbannführer Sievers.

"Dear Comrade Sievers:

"I was able today to inform the Reichsführer-SS of the reports of Professor Dr. Hirt. As I have told you before, the Reichsführer is very much interested in Professor Dr. Hirt's work. Perhaps you could call on Hirt sometime soon and tell him again that the Reichsführer-SS will place at his disposal everything he needs.

"First of all, we for our part ought to do everything that would aid Professor Dr. Hirt in regaining his health. Please make some suggestions as to how you and we could be helpful in this respect. Perhaps a small shipment of fruit would also contribute essentially to his recovery.

"After Professor Dr. Hirt's recovery, it would be best if a conference with the Reichsführer-SS took place.

"On your next visit which probably will take place in the near future you could report once more on Dr. Hirt's work.

"Best wishes

"Heil Hitler."

with the initials "R.B."

The next document will be No. 086, which Prosecution's Exhibit No. 177. It is a letter from Sievers to Rudolf Brandt, dated 2 November 1942, on the letter head of The Ahnenerbe.

"Dear Comrade Brandt:

"The Reichsführer-SS once ordered, as you know, that SS Hauptsturmführer Professor Dr. Hirt should be provided with all necessary material for his research work. I have already reported to the Reichsführer-SS that for some anthropological studies 150 skeletons of inmates of Jews are needed and should be provided by the concentration camp Auschwitz. It is only necessary that the Reich Main Security Office will now be furnished with an official

directive by the Reichsfuehrer-SS; by order of the Reichsfuehrer-SS, however, you could advise so yourself.

"Sincerely yours,

"Heil Hitler

"Your

"Siewers."

And, Siewers was thoughtful enough to enclose a draft of a letter to the Reich Main Security Office.

We see here that the defendant Siewers was anything but an idealist in his statement here on the skeleton collection. He has told the Reichsfuehrer-SS that they need 150 skeletons for use and they are to come from Auschwitz. And, the only thing that need be done to get the wheels moving is the letter or directive to the RSHA, and we see that this was forthcoming in the next document which is No. 116, and Prosecution's Exhibit No. 178.

This letter is dated 6 November 1942, four days following the receipt of the letter of 2 November 1942 from Siewers to Brandt. This is a letter to the Reich Main Security Office by Rudolf Brandt. The court will note that it is directed to the Office IV B 4, in care of SS Lieutenant Colonel Eichmann. As I recall, I told the court a few days ago that this office IV B 4 in the RSHA was the one charged with the responsibility of the solution of the Jewish question, which meant the extermination of the Jews, and that Eichmann was head of that office. It is very clear why this letter was sent to him because they wanted some 150 Jews skeletons.

The letter reads:

"RE: Establishment of a collection of skeletons at the Anatomical Institute in Strassburg.

"The Reichsfuehrer-SS has ordered that everything Professor Dr. Hirt needs for his research work be placed at his disposal. The director of the Anatomical Institute in Strassburg, Professor Dr. Hirt is at the same time chief of a department of the Institute for Military Scientific Research in the Office Abenerbe. By request of the Reichsfuehrer-SS I therefore ask that the establishment of the skeleton collection be made possible, as to the details SS Lieutenant Colonel Siewers will get in touch with you." The signature is "Br" or Rudolf Brandt. -700-

Then this points out to us Dr. Hirt as well as Dr. Rascher were members of this Institute for Military Scientific Research in the "Ahnenerbe" and subordinates of the defendant Sievers.

THE PRESIDENT: At this time the Tribunal will recess for fifteen minutes.

(A recess was taken.)

Then this points out to us Dr. Hirt as well as Dr. Rascher were members of this Institute for Military Scientific Research in the "Ahnenorbe" and subordinates of the defendant Sievers.

THE PRESIDENT: At this time the Tribunal will recess for fifteen minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: We had come to Document NO-089, which is on page 13 of your Honors' document book, and this will be Prosecution Exhibit 179. This is a letter which is identical to the one which went in under Prosecution Exhibit 178 with the exception that this letter shows at the bottom that a copy went to the Ahnenerbe. It is just one of the instances which sometimes occurs when we find two copies of the same letter at different places. I will therefore not read Prosecution Exhibit 179.

The next document is NO-092 which will be Prosecution Exhibit 180, and this is a letter from the Defendant Rudolf Brandt to the Defendant Sievers of the Ahnenerbe. The letter is dated 3 December 1942.

"Dear Comrade SIEVERS: I have your note of 3 November 1942 before me again today.

"I had a chance at that time to have a short talk with SS-Obergruppenfuehrer Pohl. If my memory serves correctly he had also sent me word that these complaints which you outlined, which, however, I did not report in detail would be remedied. I had received your letter just the very morning I went to see SS-Obergruppenfuehrer Pohl. Therefore I could not possibly read it through before. I only remembered what you had told me orally. If further intervention on my part should be necessary will you please let me know. Heil Hitler, Yours." with the initials R.B.

The next document is NO-087 which will be Prosecution Exhibit 181. This is a letter signed by the Defendant Sievers, addressed to the Reich Main Security Office, Office IV B 4, to the attention of the notorious Eichmann.

"Subject: Assembling of a collection of skeletons.

"With reference to your letter of 25 September 1942"... and then come the file numbers ... "and the personal talks which have taken place in the meantime on the above matter, you are informed that the co-worker in this office who was charged with the execution of the above-mentioned special task, SS-Hauptsturmfuehrer Dr. Bruno Beger, ended his work in the Auschwitz concentration camp on 15 June 1943 because of the existing danger of infectious diseases.

"A total of 115 persons were worked on, 79 of whom were Jews, 2 Poles, 4 Asiatics and 30 Jewesses. At present, these prisoners are separated according to sex and each group is accommodated in a hospital building of the Auschwitz concentration camp and are in quarantine.

"For further processing of the selected persons an immediate transfer to the Natzweiler concentration camp is now imperative, which must be accelerated in view of the danger of infectious diseases in Auschwitz. Enclosed is a list containing the names of the selected persons.

"It is requested that the necessary directives be issued.

"Since with the transfer of the prisoners to Natzweiler the danger of spreading diseases exists, it is requested that an immediate shipment of disease-free and clean prisoners' clothing for 80 men and 30 women be ordered sent from Natzweiler to Auschwitz.

"At the same time one must provide for the accommodation of the 30 women in the Natzweiler concentration camp for a short period."

Signed Sievers, SS-Standartenfuhrer; carbon copies to SS-Hauptsturmfuhrer Dr. Beger, SS-Hauptsturmfuhrer Professor Dr. Hirt and SS-Obersturmbaufuhrer Dr. Brandt, and this copy obviously was found in the files of the Reichsfuhrer-SS and bears the stamp of the Personal Staff of the Reichsfuhrer SS and therefore was the copy sent to the Defendant Rudolf Brandt.

Here again we can see very clearly that the Defendant Sievers played a very active part in the collection of the Jewish skeletons and was anything but a mailbox, as he will have you believe.

Before passing on to the next document, I would like to clear up a problem in connection with Prosecution Exhibit 175 which was the first document to go in out of this book; that is, Document NO-085. Actually the exhibit contains only the covering letter from Sievers to Rudolf Brandt plus that part of the report dealing with the Jewish skeleton collection. The exhibit which is going into evidence does not contain that part of Professor Dr. Hirt's report dealing with the new microscopes, and accordingly my remarks with respect to that portion of the report of Hirt should be disregarded in the record at this time. It may be that we will put in this

additional portion of the report which was in two parts at a later state of the trial.

I come now to Document NO-088 which will be Prosecution Exhibit 182, and this is a teletype from Sievers to the Defendant Rudolf Brandt and it is dated 5 September 1944 and if your Honors will recall, the invasion of the continent by the Allies had already taken place and Strasbourg itself was being endangered. Obviously the collection of the Jewish persons taken to Maltzweiler had been accomplished and their bodies had been delivered to Strasbourg where they had been kept, where they had been preserved, and we now find in this teletype that these men who were participating in this diabolical crime were now becoming worried lest evidence of their crime be found at Strasbourg. This teletype contains some stenographic notes at the top and as best they could be deciphered, read as follows:

"Was dissolved entirely in our place by mistake according to former order. In case nothing has happened, solution for the time being until official proposal for execution..." a bit garbled.

The body of the teletype reads as follows:

"Subject: Collection of Jewish Skeletons.

"In conformity with the proposal of 9 February 1942 and with the consent of 23 February 1942, SS-Sturmabfuhrer Professor Hirt planned the hitherto missing collection of skeletons. Due to the extent of the scientific work connected herewith, the preparation of the skeletons is not yet concluded. Hirt asks with respect to the time needed for 80 specimens, and in case the endangering of Strassbourg has to be reckoned with, how to proceed with the collection situated in the dissecting room of the anatomical institute. He is able to carry out the maceration and thus render them irrecoznizable. Then, however, part of the entire work would have been partly done in vain, and it would be a great scientific loss for this unique collection, because ... there is a word here I can't make out..." casts could not be made afterwards. The skeleton collection as such is not conspicuous. Viscera could be declared as remnants of corpses, apparently left in the anatomical institute by the French, and ordered to be cremated. Decision on the following proposals is requested: 1) collection can be preserved; 2) collection is to be partly dissolved; 3) entire collection is to be dissolved." Signed Sievers, SS-Standartenfuhrer.

We see here that their plans changed somewhat from the original proposal by Hirt which was for a collection of skulls. We now see that they were desirous of making a collection of skeletons, and also in connection with that, to take plaster cases of the bodies of the persons before the flesh was removed, and it is apparent from this letter that defleshing, if we may call it that, had not been completed.

We pass on to Document NO-091 which is Prosecution Exhibit 183. This is a note signed by a man named Perg, an SS-Hauptsturmfuhrer. It is dated 15 October 1944, in other words a little more than thirty days following the request of Sievers for information as to what was to be done with the collection. This note reads:

THE PRESIDENT: What date did you read for that document, counsel?

MR. McHANEY: This is on page 18 of your document book.

THE PRESIDENT: I know, but what date did you read in the beginning of the document?

"R. McHANEY: This date is 15 October 1944. This exhibit consists of two notes. The one on the top is 15 October 1944. It says:

"On 12 October 1944 I talked to SS-Standartenfuhrer Sievers on the telephone and asked him whether the skeleton collection at Strassburg had already been completely broken up in accordance with instructions given by SS-Standartenfuhrer Baumert, SS-Standartenfuhrer Sievers could not tell me anything about that, since he had not yet received any detailed news from Professor Hirt. I told him that, if the dissolution had not yet taken place, some part of the collection should still be preserved. It had to be certain however, that the complete dissolution could be accomplished promptly if Strassburg should be endangered because of the military situation. SS-Standartenfuhrer Sievers promised to have the appropriate investigations made and to report about them." Signed, Berg.

And as part of the same document and exhibit is a second note signed by Berg which is dated 26 October 1944 and it says:

"During his presence at the Field Command Post on 21 October 1944, SS-Standartenfuhrer Sievers informed me that the dissolution of the collection in Strassburg had already been completed in compliance with the orders given formerly. Considering the whole situation he thinks that this procedure was the best one." Signed, Berg, with the handwritten initials Rr. at the bottom, which are those of the Defendant Rudolf Brandt. I am sure that the defendant Sievers certainly does wish that the collection had in fact been completely destroyed, but as we shall see later this very afternoon, that in fact was not accomplished.

I would now like to refer back and read a few excerpts from the Sievers diary which throws a little further light on this particular subject. The first reference is in Document MC-538 which went in as Prosecution Exhibit 122, and I would like to call the Court's attention to several excerpts which appear on pages 2 and 5. Thus he makes a note on 10 February 1943.

Thus he makes a note of 10 February, 1943, SS Hauptsturmfuehrer Dr. Boger and this Court and the Tribunal will recall Dr. Boger was the Assistant in the Ahnenerbe Institute who was actually doing the anthropological measurements in Auschwitz and Natzweiler. This note says: SS Hauptsturmfuehrer - Dr. Boger: Anthropological work at Auschwitz made questionable due to military draft. And on page 5 we find a note made on 21 May, 1943: SS Hauptsturmfuehrer, Dr. Boger, (by telephone) regarding survey of anthropological examinations at Auschwitz, and another note: SS Hauptsturmfuehrer, Dr. Hirt (by telephone) Execution of examinations at Auschwitz.

Again on the 22nd of May, 1943, Sievers enters in his diary a note: SS Hauptsturmfuehrer, Dr. Boger (by telephone) concerning examinations at Auschwitz. Again on the 16th of June, 1943: SS Hauptsturmfuehrer Dr. Boger: Report on anthropological survey at Auschwitz. On the 23rd of June, 1943: SS Hauptsturmfuehrer: Dr. Hirt, Strassburg (by telephone) Re adaptation of the Auschwitz conclusions and executions of the skull x-rays at Natzweiler.

That was from the Sievers diary for the first half of 1943. Unfortunately, we do not have that portion covering the last half of 1943, but we do have the diary for the full year of 1944, and this is document 3546-PS, which was introduced as Prosecution Exhibit 123, and on page 3 of this diary we find on the 2nd of February, 1944, note No. 9, which covers the discussions with Hauptsturmfuehrer Hirt, Mr. Sievers makes the following entry: "Casts of examined race types. SS Hauptsturmfuehrer Boger is to arrange for the sending of the required amount of negocoll and positive-substance so that (Praeparator) Bong can carry out the casting himself and Gabel does not have to come. Substance required for eighty persons. In the event the substance is not available, shall the casting be done with gypsum?" That note makes very clear that Professor Hirt in a conference with defendant Sievers was making arrangements so that the plaster casts of the bodies of those victims could be made before the bodies were reduced to skeleton form, and that they were here talking about the amount of material required, and they

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mentioned the name of Bong and the Tribunal will hear some mention made of Bong in the testimony of a witness who will be brought to the stand shortly.

Turning to page 6 of the Sievers Diary for 1944, we find that on the 4th of April, 1944, a note appears: SS Uschaf. Dr. Boger - Advised discussion with Professor Abel in regard to work by Dr. Trojan in prisoner-of-war camps on Mongols. Boger requests that his unit be advised of his assignment since clarity does not exist on this subject, and that a request be made for his being put on the payroll as Sonder fuchrer - that is a Special Leader, and this note indicates perhaps that he did anthropological studies going on in another sphere in prisoner-of-war camps on Mongols.

I think these are the only excerpts from the Diary dealing with the skeleton collection, and I would at this time like to request that the witness Henri Henripierre be called to the stand to testify.

THE PRESIDENT: The Marshall will call the witness, Henri Henripierre:

HENRI HENRIPIERRE; a witness took the stand and testified as follows:

BY THE PRESIDENT:

Q. What is your name?

A. Henri Henripierre.

Q. Will you repeat this oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure the truth and will withhold and add nothing.

(The witness repeated the oath)

THE PRESIDENT: You may be seated.

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Witness -

A. Yes

Q. Your name is Henri Henripierre?

A. Yes sir.

Q. You are a citizen of France?

A. Yes, I am a French citizen.

Q When and where were you born?

A I was born in Llavres on the 23rd of August 1905.

Q What was the year in which you were born again, please?

A 1905.

Q What is your present address? That is your home address?

A My present address is 14 Rue De lail, Strassbourg.

Q Will you tell the Tribunal just a bit about your personal history, what you have done and been doing up to the time you came to be a Clerk in the Anatomical Institute at Strassbourg?

A I should like first of all to make it clear that I did not come here with any feelings of hatred or vengeance. I came here solely owing to a sentiment of having to do my duty and out of justice. I owe this to the 36 docto. victims whom we received in the month of August, 1943, I would, therefore, say before having to proceed with the preservation of the 36 victims that I made at least 250 preservations of Russian and Polish prisoners who died under the ill treatment at Lutsig. That is enough to show you that I know how to appreciate the difference between a violent death and a natural death.

Q Witness, let's find out just a little bit about you before you tell the Court about what happened at the Anatomical Institute in Strassbourg under Dr. Hirt. Now, were you ever arrested by the Germans?

A I was arrested by the Germans in Paris.

Q In Paris?

A I was arrested by the Germans in Paris and was taken to the concentration camp at Compiagne, and it was after the intervention of Dr. Chezwolle, my principal officer, that I was transferred to the concentration camp at Compiagne, and before being liberated from that camp I passed before a Commission of High SS Officers, who told me that I would have to return to my country if I wished to have my relatives spared, and it was on the 6th of June, 1942, which was the date I would have to leave Paris. It was as a result of that I was at Strassbourg.

THE PRESIDENT: Will the witness speak more slowly?

WITNESS: It was when I arrived there I tried to find employment at the hospital which might make use of my knowledge as a chemist's assistant at the chemist shop and there was no further employment there, and at the hospital they telephoned to Dr. Hirt and asked him if he still required an employee and he answered "yes" and at that moment.

THE PRESIDENT: The Tribunal is not receiving the translation.

WITNESS: At that moment I was taken on in Professor Hirt's Department, and naturally it was a principal anatomist who taught me to prepare bodies for preservation.

BY MR. McHANEY:

Q. Witness, just a minute. When was that when you took this job at Strassbourg under Dr. Hirt, what was the date?

A. The date of my entrance was around about the 20th of June, 1942.

Q. All right, who was your immediate superior on this job that you took?

A. My immediate chief was under Professor Hirt, then the principal preparator Otto Bong, who taught me how to prepare bodies for preservation.

Q. And who was that?

A. He was a German subject, Mr. Otto Bong, who came with the Professor to Strassbourg.

Q. And how do you spell that name B o n g ?

A. B o n g .

Q. All right, now let's go back just a minute. You stated you were arrested in 1942 in Paris by the Gestapo?

A. Yes, that is right.

Q. Why were you arrested?

A. I do not know yet.

Q. They did not tell you why you were arrested?

A. They did not tell me why, no sir.

Q. And then you went to the concentration camp at Compiègne?

A. Yes, when I left the concentration camp of Compiègne I remained a month in Paris and on the 6th of June I had to leave Paris.

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Q. Now you went to Strassbourg then on the 6th of June, 1942?

A. Yes sir.

Q. And you took this job in Hirt's institution?

A. On the 20th of June I took the job.

Q. And your task there was the conservation of corpses under the supervision -

A. My employment was to proceed with the preservation of corpses, and to prepare for their lectures to students in the auditorium and I also looked after the central heating and I also had to go with the car that belonged to the section to fetch the corpses of the victims.

Q. And I believe you stated that you had received about 250 to 300 corpses of Russian prisoners-of-war, is that right?

A. Russians and Poles, yes sir.

Q. How do you know were prisoners -of-war?

A. Because every corpse was accompanied by a death certificate and for the 86 victims which we received in August there were not papers at all.

Q Now, we will come to the eighty-six victims in just a moment; let's find out a little bit more about your job before then.

A My employment was principally to preserve the corpses, to fetch these corpses at Mutsig, and also to prepare for the lectures which were given to the students.

Q All right. Now, did there come a time in the middle of 1943 when you received some other corpses? I think you have been trying to tell us about that. Will you now relate the circumstances of that?

A What circumstances do you mean, sir?

Q You had mentioned the receipt of some eighty or eighty-six corpses. Will you tell us about that; when it happened, what you saw, and what you did?

A In the month of July, 1943, Professor Hirt received a visit from the senior officer of the SS. I thought that he was a senior officer because he came in his own car, accompanied by his own driver. Now, to have a driver and a car, you would need to be a senior officer.

This officer came three times in the month of July. Professor Hirt took him and showed him the cellars of the laboratory. A few days later, Mr. Bong told me that he would have to prepare the tanks to receive a hundred and twenty corpses. We prepared the tanks. In these tanks there were synthetic spirits of 55 degrees.

The first convoy which we received was a convoy of thirty women. It was supposed to arrive at five o'clock in the morning, but it only arrived at seven. After having interrogated the driver about the delay, the driver gave answer, "They gave us a lot of trouble." These thirty corpses of women were unloaded by the driver and two assistants, also helped by Mr. Bong and myself.

The preservation of these corpses started straight away. The corpses arrived when they were still warm. The eyes were wide open and brilliant; they seemed congested and red, and they were popping out of the orbits. There were traces of blood at the nose and at the mouth, and there was evidence of facial matter coming out. There was no rigor mortis apparent. At that moment I judged for myself that it was a case of victims who, in my opinion, had been poisoned or asphyxiated, because in the case of no victim of any previous preservation were there presented the symptoms and signs that these victims

showed when they arrived. That is why I made a note of the serial numbers that the women had tattooed in their left forearm. I made a note of them on a piece of paper, and I kept them in secret in my house. The serial numbers consisted of five digits.

A few days later we received a second convoy of thirty men. These arrived exactly in the same state as the first, that is, still warm, with wide open eyes, congested, eyes brilliant, bleeding at the mouth and bleeding at the nose, and also losing their fecal matter.

The preservation of these thirty men was also preceded with immediately, with one slight difference. The left testicle in each case was removed, which was sent to the laboratory for Anatomy Number 2. That was a private laboratory run by Professor Hirt.

Some time later, thereupon, we received a third and last convoy, namely, of twenty-six men. They also arrived in the same state as the two previous ones.

I should like to make it clear once more — and I say this knowing it to be true — after the first convoy of women's bodies that we received, Professor Hirt, having met me at the door of an Anatomical Department, told me laterally "Peter, if you don't hold your mouth, you won't get out of this." That is word for word what Professor Hirt told me.

And their peculiarity, Professor Hirt, some time before he received these bodies, said, in the basement of an Anatomical Department, talking to Mr. Bang, "They are going to drop like flies."

All this was a sign for me that it was literally a case of murder, I therefore was right in believing that these eighty-six victims which we had received had not died a natural death.

Q. Witness, why do you assume that?

A. I beg your pardon?

Q. Why do you assume that these people were murdered? Did you get any death certificates with them, for example, with the bodies?

A. What I mean is that having made the preservation of the first lots of corpses from Mutsig Camp, there was always a sheet with each body, whereas in

the case of these eighty-six victims, there were no shots at all; besides which, you should know as well as I that a person who dies a natural death does not leave a corpse with shiny, glistening eyes like those that I had seen nor in a state of complete congestion, nor with blood flowing out of eyes and mouth and nose. Also, these bodies were still warm. Therefore, it cannot be a case of natural death, so far as I can judge.

Q. I see. Now, I am not sure that you told the Tribunal when the first shipment of bodies was received. Will you tell us that now, please?

A. The first lot of thirty women's corpses was received around about the 10th of August. I cannot state the date exactly, but what I do remember precisely is that it was at the beginning of August, the 10th of August, I believe.

Q. And you saw these bodies with your own eyes when they were delivered?

A. I was present myself; I myself helped to unload them, and therefore I cannot be mistaken.

Q. And then you received a second shipment of thirty bodies two weeks later?

A. Yes, I received a second lot of thirty bodies, and a third lot of twenty-six bodies.

Q. And what did you do with these bodies after you had received them?

A. Once they were preserved, the corpses were placed in the tanks, about fifteen to each tank. These bodies were all superb. The bodies of prisoners which I had previously seen were all emaciated, whereas these eighty-six corpses that I am talking of were magnificent; finely muscled, and did not show any signs of neglect. The only thing that was remarkable was that there were a certain number of peculiar wrinkles in the back.

Q. Do you know, witness, whether or not the people who were killed and delivered to you were Jews?

A. At the time that I saw these bodies I did not know whether they were Jews or not. I merely questioned Mr. Bong and I asked him what he thought these people were. It was Mr. Bong who said, "Das sind alles Juden," "They are all Jews."

Q Now witness, will you tell the Tribunal just what happened to these bodies after they had been delivered to you and how been stored in the basement or in the cellar?

A Once the bodies had been preserved, they were put into the tanks. They remained in the tanks an entire year without anybody touching them. In the month of September, 1944, the Allies were advancing and therefore, at that time, Professor Hirt ordered Mr. Bong and Mr. Meier, the laboratory assistants to cut up these eighty-six bodies and to have them cremated in the Strassbourg City Crematorium. The work having been accomplished by Mr. Bong and Mr. Meier in the actual room where these tanks were, I asked Mr. Bong the following morning if he had cut up all of the bodies. He replied, "We couldn't cut them all up, it was far too much work. We left some of the bodies at the bottom of the tanks." I then asked Bong, "Were all the corpses burned with their gold teeth?" At that moment Bong replied, "The gold teeth that were already found on the Jews were handed over to Professor Hirt by Mr. Meier."

The remaining corpses that were not put into coffins -- because there weren't any coffins left -- were tossed back into the tanks with the remainder of the others, so as to make people who would see them believe that they were the remains of apostolical defections.

Q Were you in Strassbourg when it was captured by the Allies?

A I beg your pardon?

Q I say, did you remain in Strassbourg, and were you there when it was captured by the Allies in 1944?

A When Strassbourg was liberated by the Allies I was still in that Anatomical Department. It is I who should have conveyed, in the car belonging to the Department, Mr. and Mrs. Bong, and as Secretary of that Department I should also have evacuated them to the other bank of the Rhine. However, I was not anxious to do that.

The day before the Allies arrived they were at that moment at Souverain. I knew it from the Allied wires. Therefore, the day before, I went around

to the garage and I sabotaged the car so it would not be able to run. The next morning the Allies arrived, and of course when we wanted to use the car we couldn't. I considered it my duty to do that.

Q Now, these bodies which you say were not successfully dissected and burned, were they found in the Institute at Strassbourg University?

A Yes.

Q Do you know whether pictures were taken of those bodies?

A I beg your pardon?

Q Do you know whether pictures were taken of those bodies?

A Yes, photographs were taken of those bodies in several instances, and I know it well because I had to help. I emptied the tanks each time there were photographs so as to find those bodies that had not been dissected at the bottom. The corpses and the numbers which were on their arms corresponded exactly to the numbers that I had noted myself. Those corpses were subjected to post mortem examination by Professor Simons in my presence. I assisted him.

Q All right. Now, witness, I want to have handed to you a booklet of pictures. And this, if the Tribunal please, is document NC-483.

A I did not hear very well.

Q I say that I am going to have handed to you a book of pictures, and I want you to tell the Tribunal if these are pictures of the corpses which were left in Strassbourg.

A Yes, certainly, the photographs were taken at Strassbourg. Professor Simons made up an album with all the photographs, as well Commissar Commandant Jardin.

Q Will you look at this book of pictures, which is document number NC-483, and will you tell the Tribunal if these are pictures of the corpses which were delivered to the Institute at the Strassbourg University in August of 1943?

A Yes, sir.

(Documents were submitted to the witness.)

A (continuing) Yes, that is correct. Yes, very exact. I can therefore say that these photographs are authentically true. I was present myself when these photographs were taken. They are exact. It is true. There is no doubt whatever about it.

Q Now, then, witness, I will ask that you be shown another booklet of pictures. This is Document Number MC-807 and I will ask you to tell the Tribunal if that booklet, that document, contains pictures of these corpses at the Institute at Strasbourg University?

A (Witness commenting as he looks at the pictures): These corpses were in the Anatomical Department of Strassbourg. I remember that corpse, for instance, I remember the face. I laid out the bodies myself so that the photographs could be taken. I remember the remains of legs and arms were laying in that tank--arms on which traces of serial numbers remained had been cut off so that serial numbers could be removed. Yes, this is exact, this is correct. This one here is a body on which we made a post mortem. Here are photographs which were taken during the post mortem. For instance, this one is a photograph that I described.

Q I think that will be sufficient, witness. I take it that you have been interrogated many times about this incident at Strassbourg, is that correct?

A Yes sir.

MR McHANEY: If Your Honor please, I do not think I have any further questions to direct to the witness. I have had him identify these two books of pictures which, unfortunately, we have not duplicate in your document book. However, I have not offered them at this time as Exhibits because we also intend to offer them under certifications made by the French War Crimes Commission which appear upon these documents and which, irrespective of the identification by this witness, would make them admissible under Ordinance No. 7.

JUDGE SERRING: Do you intend to duplicate them Mr. McHANEY?

MR. McHANEY: We are trying to duplicate them now. There are just a delay in it. I would like to go ahead, though, and offer them as exhibits, as soon as this witness has been excused, based first upon his identification and secondly upon the certification attached to each.

JUDGE SERRING: With the proviso that they will be duplicated.

MR. McHANEY: I would like, as soon as they are offered, to have them passed up to the Tribunal and I should think also that defense counsel for Sievers and Rudolf Brandt should be permitted to see them and offer any objection if they wish.

JUDGE SEBRING: That can't be done unless they are duplicated.

MR. McHANEY: Yes, indeed, they should be.

JUDGE SEBRING: Defense Counsel will be offered the opportunity to object to these exhibits if they desire.

MR. McHANEY: If there is no cross examination, we can proceed.

JUDGE SEBRING: I did not know that you had rested.

MR. McHANEY: Yes, Sir.

JUDGE SEBRING: Any cross examination of this witness by defense counsel?

DR. WEISGEMBER (Counsel for the Defendant Sievers): I am also speaking in the name of my colleague, Dr. Kaufmann. I should like to have the opportunity to view the album which has just been submitted and it is only after that that I can state whether cross examination will be necessary or not.

THE PRESIDENT: Counsel for the Prosecution will exhibit these albums to the defense counsel. Counsel, do you desire a few moments to examine these exhibits? The Tribunal will take a short recess if you desire some time to look them over.

DR. WEISGEMBER: Yes.

THE PRESIDENT: The Tribunal will be in recess for 10 minutes.

(A recess was taken.)

THE MARSHALL: The Tribunal is again in session.

THE PRESIDENT: Is the defense counsel ready to proceed with the cross examination?

DR. WEISBERGER: Mr. President, the defense counsel for Sievers and Brandt do not intend to cross examine the witness.

THE PRESIDENT: Is there any cross examination of the witness to be made by any other defense counsel?

DR. FRITZ (Counsel for the defendant Dr. Rose): Mr. President, I should like to put four questions of the witness which have nothing to do with the type of questions which we are dealing with now, but which may be important for the defendant Dr. Rose.

THE PRESIDENT: The counsel will state the questions so that the tribunal may rule on their probative value and whether they should be admitted at this time.

DR. FRITZ: Mr. President, I should like to point out that I want to put a question to the witness because the witness happens to be here at the moment.

THE PRESIDENT: The counsel will state what the questions are.

DR. FRITZ: The first question is whether the witness can testify, whether the Hygienic Institute at Strasbourg was damaged during an air-raid, during which a number of members of this institute lost their lives.

THE PRESIDENT: The counsel will state the other questions, which he desires to ask.

DR. FRITZ: In the event that the witness cannot recall the date of the air raid, I should have pointed out to him that we are concerned with the same air raid during which the wife and son of Professor Hirt were killed in their Strasbourg flat.

A further question would be whether the witness knows that after this attack if work could be continued in the Hygienic Institute and whether the work actually was continued.

My next question would be to ask the witness whether he knows that after this air attack the valuable items were removed from this Institute because of air raid precautionary reasons.

Mr. President, The Anatomical and Hygienic Institutes are very close to one another in Strassbourg and it is quite possible that the witness will be able to answer these questions.

THE PRESIDENT: It appears to the Tribunal that these questions might be pertinent if propounded by counsel for Defendants Siemers and Brandt, but the pertinency regarding Defendant Rose is not apparent.

Did counsel for the appellant understand the statement by the Tribunal:

DR. FRITZ: No, Mr. President.

THE PRESIDENT: I will restate it. It occurs to the Tribunal that these questions might well be pertinent if propounded for Defendants Siemers and Brandt, but the Tribunal does not understand the pertinency of these questions on behalf of the Defendant Rose.

DR. FRITZ: Mr. President, I don't think that the defense counsel for Siemers has any interest in these questions. The questions are in connection with the work of Prof. Hagen in Strassbourg. We are concerned with hypothermia experiments.

THE PRESIDENT: The Tribunal fails to understand the connection and interest of Defendant Rose in these questions.

Mr. McHANEY: May it please the Tribunal, we have not yet come to the presentations of the case with which the Defendant Rose is primarily concerned, that deals mostly with the experiments relating to typhus. Certain of those experiments, as charged in the indictment, were carried out by Prof. Hagen who was the consulting physician of the Typhus experiments and as such, as the prosecution says, was a subordinate of the Defendant Rose. Hagen, it is alleged, worked in the Strassbourg University in the Hygienic Institute of the Strassbourg University and carried out his alleged criminal experiments in the Mitzweiler concentration camp. We are here concerned with a witness, who was concerned with a part of the experiments with which we are concerned and he was working with both the Anatomical and Hygienic Institute of the Strassbourg University. The questions asked for the Defendant Rose are to bring certain information which might be of interest as to the activities of the Hygienic Institute. The prosecution does not raise any serious objections to the asking of these questions, except to point out that it is beyond the scope of the

direct examination and he is thereby making this witness his own witness and he will be so bound by the answers given in response to these questions.

JUSTICE SEERING: That is certainly true, Mr. McHaney. Will this witness, who is now available on the stand be available at subsequent date in this Tribunal so that counsel can call him as a witness?

MR. McHANEY: The witness will not be called by the prosecution again at any time. He was called merely for the purpose of questioning him on the Strassbourg questions. We will send him back to Strassbourg and we will not call him again.

THE PRESIDENT: I understand that: I do not have any objections to the counsel for Dr. Rose questioning him as stated, so it will appear in the transcript of the proceedings that he is being called as a witness for the Defendant Rose. With that understanding, the Counsel for Defendant Rose may call the witness as a witness for the defense. The record will show that the witness is testifying for Defendant Rose.

DR. FRITZ: (Counsel for Dr. Rose). Witness, did you understand the questions as I put them before?

THE WITNESS: No.

DR. FRITZ: I shall repeat the questions.

BY DR. FRITZ:

Q Can you give me the date when the Hygienic Institute of the University in Strassbourg was damaged by an air raid, during which a number of members of this institute lost their lives?

A Must I answer now in French or in German?

Q Either.

A At the Anatomical Institute during the bombardments, there were no victims whatsoever. There were two or three victims at the Pharmacological Institute, which was situated behind the Anatomical Institute. Mr. and Mrs. Hirt were killed as was a laboratory assistant, whose name I do not know. Apart from that there was no other case of bombardment of the hospital.

we were not allowed to communicate. I cannot answer that question as I am not properly informed.

Q Witness you state that Strassbourg was hardly bombed. It is possible that you remember when this air-raid took place and you could remember the date, just when the Hygenic Institute was damaged; what year and what date?

A I am not a very good hand for exact dates. I know that it was bombed, but when it was exactly I cannot say.

Q In that case, I have no further questions to ask the witness.

THE PRESIDENT: Does counsel desire to ask any questions of this witness in the morning? If not, the witness may be excused.

We will recess until 9:30 in the morning.

(ADJOURNMENT.)

CORRECTED COPY

Official Transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al., defendants, sitting at Nurnberg, Germany, on 19 December, 1946, 0930-1630, Justice Beale presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal.

Military Tribunal 1 is now in session.

God save the United States of America, and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: The Marshall will ascertain that the defendants are present.

THE MARSHAL: May it please Your Honor, all the defendants are present in the courtroom.

THE PRESIDENT: The Secretary General will note that fact for the record, that the defendants are present in the courtroom.

The Prosecution will proceed.

MR. Mc HARRY: May it please the Tribunal, at the end of the session yesterday the witness Rumpierre had identified Document NO-483 and Document NO-507 as containing true and correct copies of photographs made of certain bodies which were left in the Anatomical Institute of the University of Strasbourg at the end of the war. Those documents have also been certified by appropriate authorities of the French Government and I should like before offering these documents to read these certifications. That pertaining to Document NO-483 is on page 19 of Your Honor's document book. The certification is on the letter head of the Ministry of Justice, Direction of the Office of Investigation of enemy War Crimes, 45 rue de Villajust, Paris (XVIIe), Phone: KLEber: 16-6- to 16-64.

CERTIFICATE

I, the undersigned, Georges REDNAU, magistrate of the French Office of Investigation of enemy War Crimes, certify that the enclosed

photographs are exact reproductions of the treatment inflicted upon political and racial deportees and others detained at the STRUTHOF camp (Laboratory for medical

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experiments.)

"These photographs illustrate the experiments carried out by Dr. August HIRT and associates.

"They were taken immediately after the liberation by the French Office of Investigation of War Crimes.

Signed: "REYNAUD"

With the Seal: "Ministry of Justice, Office of Investigation of Enemy War Crimes."

I, therefore, offer Document NO-483 as Prosecution Exhibit 184.

Document NO-807, which also consists of pictures made in the Anatomical Institute of the University of Strasbourg immediately after liberation, also has been certified by appropriate authorities and here is -- if Your Honor please, I think that they have wrongly assembled the translation which is in our document book. Page 20 is the beginning of a deposition made on a French war criminal or English war criminal by the name of Joseph Kramer. Page 20 really should be marked page 23, and page 21 is really the first part of the translation and it is the certification given by the Strasbourg Police and it reads as follows: It is on the letter head of the Regional Service of Legal Strasbourg Police. "I, the undersigned, HILFERT Eugene, principal Commissary, Chief of the Sixteenth Mobile Brigade of the Legal Police of Strasbourg, certify that the documents herein affixed on eight pages, including photos No. 1 to 21 of bodies, and No. 1a to 8d of documents, are photographs of bodies, and of French and German authentic documents which have been taken by the French Police immediately after the liberation of Strasbourg in the Anatomical Institute of the University of Strasbourg.

The originals of the documents can be found in the records of the Military Tribunal of Strasbourg, and are necessary for other reasons.

The photographs hereby affixed are exact and true photographs of bodies or parts of bodies found by me in the anatomy of Strasbourg and

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of documents which during the information have been seized by the Major
in charge of Military instruction at the Military Tribunal of Strasbourg."

Dated, Strasbourg, November 16, 1946, Chief of the Sixteenth Mobile Brigade of legal police. Signed: HELFFER.

And on the next page of the translation we find short descriptions of the pictures. Thus, picture No. 1 is alcohol containers for the bodies which were used for anatomic preparations. A few bodies of the eighty-six people assassinated in August 1943 in the Struthof gas chamber; sixteen of these bodies have been found whole.

I might say, parenthetically, Your Honor, that STRUTHOF, I think is a French designation of the concentration camp Metzweiler.

Picture No. 2, Bodies of subjects which were likely Jewish, who were treated the same way.

Picture No. 3, Body bearing the number 107969 tattooed on the left forearm.

Picture No. 4, body of a young and robust subject whose autopsy has been made by the experts. The number tattooed on the left forearm is not visible on the photograph.

There is no comment on pictures five and six. Six says, "Other bodies coming from the gas chamber."

7 and 8 have no comment.

Picture No. 9, Bodies of women lying in a container.

Picture No. 10, Other robust women's bodies coming from the gas chamber.

11 and 12, no comment.

Picture No. 13, Bodies defleshed at the end of 1944 on order of the German Professor HIRT, Director of the Anatomic Institute from 1941 to 1944. The number of each body, tattooed on the left forearm, has been removed by order when the bodies were defleshed.

The vital organs and the heads have been incinerated in the Crematorium of Strasbourg -- actions which were meant to prevent identification of the bodies and to obstruct the French Medico-Legal research.

"Picture 14 shows parts of defleshed bodies."

Fifteen is the same. No comment on 16.

Picture number 17 is said to be a "body of a young girl, healthy and robust, taken at the time of the autopsy. Notice in the incisions done on the body the layer of grease which shows execution shortly after the arrest." Picture number 18 is a "body of a man, likely Jewish. There is no sign of grease on the skin. Picture No. 19, bodies of inmates bearing on the back numerous wounds coming from violent strikes received before the execution in the gas chamber." Picture Number 20 shows the "strikes received on the back." Picture No. 21 is the same.

Now, also as part of this exhibit are certain documents or pieces of documents, and they are listed according to a number and a letter, thus: 1A, 2B, and 3B are documents found in the Struthof Concentration Camp. "1A is a list of inmate numbers. 2B is an extract of the monthly report from the camp doctor saying that experiments have been done on sixteen inmates and that three deaths have resulted. 3B is an extract of various reports by the camp doctor. 4B, 5B, 6B, and 7B, the notebook of the SS Warden from the Commandant of the Natzweiler-Struthof Concentration Camp. Sheet 71...." that is a note at the bottom.... "sheet 71 bears the following mention 'Gas of cyanidric acid of Professor Birt' (the cyanidric acid is a very strong poison). In the two others the names of Professor Haagen and Bickens are given. Haagen and Bickens were associates of Prof. Loeb at the Strasbourg University; and the proof will show that a

later date that Haagen was also active in the medical experimentation on concentration camp inmates at Natzweiler, and of course the same was true of Professor Hirt.

Now, the next page of the translation of Document NO-207 is a report on the interrogation made of Joseph Kramer. It is stated here that Kramer was for several years the commander of the Natzweiler Concentration Camp. After he left Natzweiler he finally went to Bergen Belsen, and he was captured there by the British Army of the Rhine, has subsequently been tried before a war crimes court of the British Army and has been executed. This deposition is on the letter head of the French Republic, Permanent Military Tribunal of the Tenth Military Region in Strasbourg.

"In the year 1945 on July twenty-sixth at fifteen hours, appeared before me, Major Jadin, Military Judge at the Military Tribunal of the Tenth Region, assisted by Lieutenant Jr. Hertzog, stenographer at the same Military Tribunal, also functioning..."

THE PRESIDENT: From what page of the record book are you reading?

MR. MCANNEY: It is our new page 23. You will recall that I asked you to Transpose page 20 and 23.

"....assisted by Lieutenant Jr. Hertzog, stenographer at the same Military Tribunal, also functioning as interpreter of German and who was under oath according to the Article 333 of the Criminal Investigation Code, in my office which had been taken to Gelle, according to my verbal summons, the witness named hereafter, which has outside the presence of the other witnesses, in the presence of Major G. Dill Gault of the English Service of War Crimes, after having shown the summons which was given to him, ~~inter-viewing~~, ~~sworn~~ to say the entire truth and nothing but the truth, and

interrogated by us on his air name, given name, age, status, profession and dwelling, if he is domestically related or allied to the parties, at which degree:

"He answered that he was named Kramer, Joseph, Hauptsturmführer SS, Thirty-nine years old, living in Bergen-Belsen.

"I used to be a bookkeeper in Augsburg before 1932, the year in which I have volunteered in the SS and I have been asked to guard the inmates of concentration camps.

"Before the hostilities I have been as a Lieutenant in various concentration camps, especially in Esterwegen, Sachsenhausen, Dachau, Mauthausen and Auschwitz.

"In April 1941 I have been sent by the superior SS authorities to the Netzweller-Struthof as a Lieutenant, adjutant to Buttig, Commander-in-Chief of the camp.

"In October 1941 I have been named commander of the camp in replacement of the Commander Zill..."

THE PRESIDENT: Counsel, this document reads October 1942.

MR. McFARLEY: Pardon me, I am sorry, It is October 1942.

"... In October 1942 I have been named commander of the camp in replacement of the Commander Zill who had succeeded Buttig. I have commanded the camp until April 1944, date on which I have been sent to Auschwitz and in December 1944 to Belsen.

"During the month of August 1943 I received from the Oranienburg Camp, or rather from the Supreme SS Command in Berlin was sent to me, the order to receive about eighty inmates coming from Auschwitz. In the letter which went with this order it was stated that I had to get in touch immediately with Professor Rirt of the Medical Faculty of Strasbourg.

"I went to the Anatomical Institute of Strasbourg where Hirt was. The latter told me that he knew of an inmate convoy of Auschwitz for the Struthof. He told me that these persons were to be executed in the gas chamber of the Struthof camp with asphyxiating gases and that their bodies were to be driven to the Anatomical Institute so that he could dispose of them.

"After this conversation he gave me a bottle of about 3-fourth of a liter containing salts which I think were cyanhydrique salts.

"The professor told me about the approximate dose that I had to use to asphyxiate myself the inmates coming from Auschwitz of which I have spoken to you.

"In the beginning of August 1943 I received the eighty inmates who had to be killed with the gases that had been given to me by Hirt, and I started to take to the gas chamber, on a certain evening, at about nine o'clock, with a small van, the first time, about fifteen women. I told these women that they had to go to the disinfection chamber and I did not tell them they were going to be asphyliated.

"Helped by a few SS I undressed them completely, and I pushed them in the gas chamber when they were completely naked.

"When I closed the door, they started to howl. I introduced, after having closed the door, a certain amount of salt in a funnel that was placed above and to the right to the observation window. Then I closed the opening of the funnel with a tap which was adapted at the bottom of this funnel with a metal tube on it. This metal tube drove the salt and water into the inside opening of the chamber of which I have spoken. I lit the inside of the chamber with a switch placed near the funnel and I observed through the observation window.

what was going on inside of the chamber. I have seen that these women have continued to breathe about half a minute, when they fall on the floor. When I opened the door after having made at the same time function the ventilation inside of the chimney, I found out that these women laid without life and that they were full of excrements.

"I have told two male nurses of the SS to put those bodies in a small van the next morning, about five-thirty, so that they could be taken to the Anatomical Institute as Professor Hirt has asked me to.

"A few days later, in the same above-mentioned condition, I have taken again to the gas chamber a certain quantity of women who were asphyxiated in the same way; then again in a few days later I have taken to the gas chamber, in two or three times, about fifty or, maybe fifty-five, who were killed always with the salts Hirt had given me.

"On demand: I ignored what Hirt was going to do with the bodies of these inmates whom I have asphyxiated, on his office phone, at the Struthof. I did not think I had to ask him.

"On demand: I ignored to what nationality belonged the asphyxiated inmates; I think they came from the southeast of Europe, but I cannot designate the country.

"To present to the witness the photographic album in which are pictures of the gas chamber.

"The witness: I recognize on these photographs the structure of gas chamber which was built in the middle of the year 1943 to asphyxiate the inmates who were reserved for Professor Hirt.

"On demand: I admit that a great percentage of French people died in the camp. In my opinion they were intellectual people who could not support the heavy work which they had to do in the camp.

"On demand: It is true that in the sand-pit situated above the entrance of the camp, some inmates have been shot by the SS who were under my orders.

"On demand: Professor Bichenbach came several times to the Struthof Camp to have conferences with the camp Doctors Krieger or Blacko. I do not know if they have done any experiments but, nevertheless, he told me one day that he had received the order to do certain experiments on inmates. He did not tell me which experiments these were and, in any case, he was bound to the secret by the SS Command.

On a certain day when I made a general visit of the camp I saw, in an infirmary, ten inmates who had bandages on the arm. It was answered to me that these inmates had been experimented upon (Bichenbach). I asked what were the experiments being done, but he refused to give me any knowledge of them.

I do not know the number of deaths which happened in the camp during my stay. I recognized that the food was insufficient and the climate was very hard and that, on another side, the work which the inmates had to do was very hard.

Question: You have spoken to me before of the conditions in which you have executed the inmates with asphyxiating gas. In case these inmates would not have been killed following the introduction of gas done by you, would you have killed them with a bullet?

Answer: I would have tried to asphyxiate them again by projecting in the chamber a second gas dose. I have not felt any emotion in doing these acts because I had received the order to execute these eighty inmates according to the way I have spoken to you. Anyhow I have been brought up that way.

After having read, he signs with me and my stenographer."

Signed, E. Hertzog, Josef Kramer, Gedin.

I submit Document No. NO-607 as Prosecution Exhibit-105.

THE PRESIDENT: Do I understand, Counsel, that the originals of these photographs are to remain permanently as an exhibit before this Tribunal or are the originals to be returned to somebody?

Mr. McManey: No sir. These exhibits, the originals which we have received from the French authorities, will be kept as permanent exhibits here.

THE PRESIDENT: I understand also that copies of these exhibits, within a reasonable time, will be furnished to the Tribunal and the Defendant's Counsel?

MR. McRAE: That is correct your Honors. - This your Honors, completes the presentation for the time on the Jewish skeleton collection as charged against the Defendants Rudolf Brandt and Sievers. Mr. Hardy will continue at this time with the presentation of evidence dealing with epidemic Jaundice experiments.

R. HARDY: The Prosecution charges in its indictment that the Defendants Karl Brandt, Handloser, Rostock, Schroeder, Gebhardt, Rudolf Brandt, Brugowsky, Foppendick, Sievers, Rose and Becker-Freysong are charged with special responsibility for and participation in the epidemic Jaundice experiments. These experiments were conducted at the Sachsenhausen and Esterweiler concentration camps for the benefit of the German Armed Forces to investigate the cause of and inoculation against epidemic jaundice. Experimental subjects were deliberately infected with epidemic jaundice, some of whom have died as a result and others were caused great pain and suffering, as set forth in Count 2, Subparagraph 3-b of the indictment and in Count 3, Paragraph 11, under Crimes against Humanity.

I respectfully request the Tribunal to turn to Document Book No. 8 page 1. This is Document No. 80-371, which will be offered as Prosecution Exhibit No. 185.

DR. SCHWABHE: Attorney Servant for Karl Brandt.

Mr. President, I object to the reading of this affidavit for the same reason for which I have previously protested against the presentation of the affidavit of Brack. In any case, I request that the Defendant Brandt be called as a witness at the proper time in order that he may be interrogated as to the contents of this document. After all, the possibility exists that the Defendant Brandt will not be called to the witness box by his Defense Counsel.

THE PRESIDENT: The objection will be overruled.

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MR. HADY: I shall read the document.

" I, Rudolf Emil Hermann Brandt, being duly sworn, depose and
state:

1. I am the same Rudolf Brandt who has heretofore sworn to an
affidavit

733-A

on the 30th of August, 1946 concerning low pressure experiments performed on involuntary human beings in the Dachau Concentration Camps and to certain other affidavits concerning medical experiments on involuntary human subjects.

2. For the same reasons set forth in paragraph 1, 2, 3 of my affidavit of 30th August, 1946, I am able to make this statement concerning experiments performed on human beings.

Experiments to determine the cause of epidemic jaundice (Hepatitis Epidemica)".

I might say at this time, from time to time in the documents you will see in lieu of the word "jaundice", "hepatitis", which is the German word for jaundice. On some occasions the translator merely stated "epidemic hepatitis" without translating to "jaundice."

3. About the middle of 1943, Dr. Grawitz, "Lichsarzt SS", wrote Himmler that Karl Brandt wished to obtain prisoners for experimentation on the cause of a jaundice epidemic. He had been doing research on this problem with the assistance of Dr. Dohman, a medical officer attached to the Army Medical Inspectorate and the Robert Koch Institute. Experiments had thus far disclosed that contagious jaundice is transferred by a virus and human beings were desired for inoculation with germs which had been cultivated in animals. Grawitz advised that death of some of the experimental subjects must be expected. He wanted to know if Dr. Dohman could be permitted to carry out the experiments at the Sachsenhausen Concentration Camp, desired by Dr. Karl Brandt.

4. Himmler wrote Grawitz that Dr. Dohman had his permission to conduct the experiments at Sachsenhausen and for that purpose he had Oswald Pohl of the WVHA allocate a number of prisoners to be used as experimental subjects. I know that these experiments were carried out and that some of the prisoners died as a result.

5. Dr. Eugene Haagen, Obersterst and consultant in hygiene for the Luftwaffe, had also been doing research work at the Natzweiler Concentration Camp in an effort to discover an effective inoculation against epidemic jaundice.

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As I recall, Dr. Lohman collaborated with Haxson in 1944 at Fatzweiler and experiments on involuntary human beings were conducted which resulted in deaths.

6. These experiments were of course well known to Karl Brandt as he was personally furthering them. Kandloser and Schroeder must also have known of them because Lohman and Haxson were doctors in the Medical Services of the Army and the Luftwaffe, respectively. Generalarzt Paul Rostock also was well informed on all research work of this nature." Signed Rudolf Brandt.

I might point out at this time that Dr. Lohman, being a medical officer attached to the Army Medical Inspectorate at the time of these experiments, which was about the middle of 1945, and that at that time the Defendant Kandloser was still chief of the Army Medical Inspectorate and Lohman was one of his subordinates.

We will turn now to document No. DC-010, which will be offered as Prosecution Exhibit No. 107. This is a letter from the Reich Physician SS Grawitz to Himmler dated 1 June 1945.

Subject: Experiments to determine the cause of infectious Jaundice.

"Reichsfuehrer:

The General Kommissar of the Fuehrer SS Brigadenfuehrer Professor Dr. Brandt, has approached me with request to help him in the research on the causes of infectious jaundice, which has been to a large extent promoted by him, by placing prisoners at his disposal. To date, research has been conducted by a Stabsarzt Dr. Lohman within the Research Laboratory of the Army Medical Inspectorate and with the cooperation of the Robert Koch Institute. In conformity with results obtained by other German scientists, this research led to the discovery that infectious jaundice is not caused by bacteria but by a virus. In order to extend our knowledge, which to date is based only on inoculation of animals with germs taken from human beings, the reverse is now necessary, namely the inoculation of human beings with virus cultures. Cases of death must be anticipated. Therapeutic and prophylactic conclusions, in particular, will to a great

extent depend on this final experimental step.

Eight prisoners condemned to death, young if possible, are needed in the prison hospital of the concentration camp Sachsenhausen.

I respectfully request your decision, Reichsfuehrer,

1. As to whether I may have the experiments started in the manner described.

2. As to whether the experiments may be conducted in the prison hospital of the concentration camp Sachsenhausen by Stabsarzt Dr. Dohmen himself.

Although Dr. Dohmen is not a member of the SS (he is an SA-Fuehrer and a Party Member), I would recommend an exception in this case in the interest of continuity of the experiments and thus the exactness of the results.

The practical importance of the answer in questions for our troops, especially in Southern Russia, results from the fact that this disease has spread so extensively during the past years, both among us in the Waffen-SS and Police and in the Army, that up to 60% casualties for a period of up to six weeks suffered in some companies. On the other hand, however, this disease generally has had a relatively favorable prognosis when treated quickly and properly. The possibility of a prophylactic inoculation would be of a great tactical importance.
Signed, Grawitz.

We see here in this letter that the esteemed General Commissar of the Fuehrer for Health and Medical Matters is approaching the Office of the Reichstaats-SS to secure prisoners to be put at his disposal for experimentation in human beings, which more closely knits together our conspiracy as we walk along and see the Reichsfuehrer, the Reich Commissar for Health and Sanitation, and we will later see the civilian sector and also the Luftwaffe coming into this program.

We turn now to Document No. NO-011, which we offer as Prosecution Exhibit No. 188. This is Himmler's answer to Grawitz's letter of 1 June, dated 16 June 1943:

"Subject: Investigation of the cause of the infectious jaundice.

"Reference: Yours of 1 June 1943.

TOP SECRET

"Reich Doctor SS and Police

"Berlin

"I acknowledge the receipt of your letter of 1 June 1943.

"1. I approve that 8 criminals condemned in Auschwitz (8 Jews of the Polish resistance movement condemned to death) should be used for experiments.

"2. I agree that Dr. Dohmen should make these experiments in Sachsenhausen.

"3. I agree with your opinion that a real fight against the infectious jaundice would be of unheard value.

(signed) "Heinrich Himmler"

There is a note on the bottom addressed to "SS-Obergruppenfuehrer FOHL, Berlin, - Carbon copy forwarded with request that you will duly note. The signature is illegible here, signed just SS-Obersturmbannfuehrer. There is an initial on the document but we have been unable to decipher it.

Next we turn to Document Number NO-137, which is offered as Prosecution Exhibit No. 189. This is an application of Professor Dr. Haagen, operating from Strassburg, to the Rector of the Reich University, Strassburg dated 7 October 1943:

"I propose that the Hygienic Institute should be recognized as a Military concern. The Institute was charged with the following urgent research tasks, important for the war efforts or respectively of military importance:

"1.) National Air Ministry (R.L.M.) and Commander-in-Chief Air Force.

"Subject: Yellow fever vaccine

"Order value: 800 RM"

On the side we see the code letters 2IIB which signifies the office Becker-Freyseng of the Luftwaffe, Department for Aviation Medicine, then changed to 2F and then again we see 2IIB.

The second assignment is also from the National Air Ministry (R.L.M.) and C-in-C Air Force, originating from the same office, Becker-Freyseng; the subject, Spotted fever vaccine, appears in the document as an erroneous translation and should be Typhus Fever.

The Third assignment is again another order from the National Air Ministry (R.L.M.) and we see these familiar code letters, 2IIB, Subject Influenza.

"4.) The Reich Marshal, Hermann Goering), Reich Research Counsel - secret Reich matter - urgency degree DD, Subject: Typhus. Order value 8,000"

Code letters follow and SS degree of urgency.

"5.) The Reich Marshal - Reich research counsel - secret Reich matter -

"Subject: Hepatitis epidemica."

This means jaundice, epidemic jaundice. This again has DE degree of urgency and SS degree of urgency.

We turn the page to other assignments, another one from the R.L.M., Subject Yellow fever vaccine, which again originates — you see the familiar letters 2IIB and also at the end of that line 2F,—the familiar office of Dr. Becker-Freyseng, Order Value 8,000 RM. Then another order from the R.L.M., originating from the same place, Subject: Typhus vaccine, Order value 4,000 RM,

proposed 7 October 1943. Then we go on and we have another entry for influenza and another entry for Typhus, and so on.

This is just to show the strength of the work, the application of Haagen, of what he was doing in the various organizations of his Hygienic Institute in Strassburg and at this time he is now applying to be taken in so that he can have priority rating to obtain sufficient materials to continue his research.

The next document, number NO-299, which Prosecution Exhibit 190, is a letter from Professor Haagen to Dr. Schreiber, who was Chief of the Academy of Military Medicine at Berlin, under the Defendant Handloser. The letter is dated 12 June 1944, addressed to Generalarzt Professor Dr. Schreiber, Academy of Military Medicine, Berlin NW:

"Honored Generalarzt:

"Enclosed I am sending you my Hepatitis report for further use.

At the same time I would like to use this opportunity to renew my invitation to Stabsarzt Dohmen. Since I do not know his present address, may I direct this invitation to you and suggest that Mr. Dohmen be assigned to us for several weeks so that we may discover and possibly work on questions we have in common. This would probably be the quickest way to determine whether we have the same virus or not. 15 July would be a satisfactory date for Dohmen's visit to begin..."

Now in that paragraph here is Dohmen who had obviously been working epidemic jaundice at Strassburg under the directions of the Defendant Karl Brandt and here now is Dr. Haagen, working on the same project at Strassburg University, requesting that Dohmen be assigned to him in order that they may collaborate and join their common task. Here is mention as to whether or not they are using the same virus, which indicates quite conclusively that the virulent virus was used on the inmates during the experimentation period.

Next paragraph:

"At the same time I should like to approach the subject of your negotiations for mice. My supplies, and particularly my cultures, are so depleted that they absolutely must be rejuvenated and refilled. You told me in Hohenlychen that it is possible for you to secure mice, even in large numbers.

May I ask you to endeavor to secure for me several thousand mice of both sexes, preferably only young animals..."

His reference in that paragraph to Hohenlychen is undoubtedly the Conference in May of 1944 — the yearly medical conference.

"Thirdly I would like to ask whether the Hepatitis Research will be carried on in future out of funds of the Reich Research Council? My funds for this branch are now exhausted and I am faced with the question as to whether to apply for further funds to my Medical Chief of the Luftwaffe or to you. I would be grateful to you to be informed about this shortly.

"With kindest greetings and compliments,

"Heil Hitler!

"Very devotedly yours,

(presumably signed HAAGEN)"

This is a letter which was found in Haagen's file and it is customary usually not to sign your file copies.

We now turn to Document Number ND-300, which is offered as Prosecution Exhibit 191. This is Generalarzt Schreiber's answer to Haagen dated 20 Jun 1944:

"Honored Professor:

"Prof. Mauck of the Tropeninstitut in Hamburg has contacted the Reich Research Council with regard to a possible temporary assignment for Prof. Schaeffner, formerly of Amsterdam now of Hilversum. One would like to do Prof. Schaeffner a good turn and remove him from Hilversum, where he might be harmed through the exigencies of war. It appears that Prof. Schaeffner insists that he will leave Holland only if he gets a scientific commission. Prof. Mauck has

also spoken about your institute in this connection. I do not know whether Nauck has contacted you personally. I am therefore asking you whether you would have use for Schueffner in the execution of some scientific work and would take him on at your institute. The monetary side of this matter would be taken care of by the Reich Research Council. I would be very grateful to you if you would advise me of your position in this matter as soon as possible.

"The association between you and Dohmen has not been established. I will bring about Dohmen's assignment. The discussion at Breslau brought about some lucidity after all. Mr. Weineck appeared to me to be the paltriest.

"With kindest greetings and

"Heil Hitler!

"I remain

(signed) Schreiber."

Here is Schreiber indicating that the Reich Research Council will fully cooperate with the work of Haagen. We see now the military side entering into the Haagen picture. We have now the Reich Research Council, the Office of Professor Dr. Karl Brandt, and the man Dohmen coming in. We have the Luftwaffe, all of them, now joining together, the SS included, in this experiment Epidemic Jaundice.

We now turn to Document Number NO-309, which will be offered as Prosecution Exhibit 192, another letter from Haagen to Generalarzt Schreiber, dated 24 June 1944:

"Honored Generalarzt:

"Many thanks for your friendly letter of 20 June 1944. I am very interested in the matter of our honored Mr. Schueffner. Mr. Nauck asked me quite some time ago whether I could take Mr. Schueffner in as a guest. I declared myself fundamentally agreeable to this and would be very glad if I could offer Mr. Schueffner a place

to work. Mr. Schnaefner's interests are so extensive that it should not be difficult for him to find work within the framework of our German war-essential research. In case a subject should be suggested, I should like to propose that Mr. Schnaefner work on endemic spirochaetes exclusive of Syphilis.

"Meanwhile Mr. Dohren has written to me, and I have also personally invited him. I, too, am of the opinion that the discussion at Breslau was extraordinarily challenging to us.

"With kindest greetings and compliments,

"Hail Hitler!

"Devotedly yours

(presumably signed Hagen)

We now turn to Document EO-124, which will be offered as Prosecution Exhibit 193. This is a letter from a gentleman named Gutzeit. Gutzeit was a subordinate to Schreiber in the chain of command that went up to the defendant Handloser. He was Consulting Physician to the Chief of the Army Medical Service. The letter is addressed to "Dear Colleague Hergert:

"I greatly welcome your invitation to Mr. Dohmen. I have requested Generalarzt Schreiber to assign Dr. Dohmen to you as of 15 July, for a limited period of time to begin with. Should the Hepatitis Virus questions appear to require further collaboration, the assignment can be extended. In this connection I have another question, namely: In line with my statements at the joint Hepatitis discussions at Breslau I have tried to make preparations for experiments on human beings. Conditions here at Breslau will shortly be appropriate. Certain precautions, which I will not discuss in writing, will have to be observed however. As you know, Dohmen lost all his material in Berlin and ~~failed~~ animal inoculations with punctured liver matter also failed because the animals died in transport of a contagious disease. At the moment Dohmen has only old frozen material at his disposal. Nevertheless we are going to use this for the above described experiments. Now I wanted to ask you whether you could place some of your virus material at our disposal, which we could then use here in Breslau for simultaneous inoculation experiments with Dohmen's material. I would administer the clinical observations myself, just as I will carry out the preliminary examinations with greatest care. Should you agree, I would advise you promptly if the conditions for inoculations here in Breslau are established."

"I have the following further request: the Oberarzt of my clinic and leader of the research group in the East has been working on the causes of war-nephritis. After many experiments with direct transmission of the excretions of nephritis patients to animals, he has been unsuccessful in securing positive results. However, the experiments were not carried out variably and consistently enough, partially because of a lack of the

Necessary animals. However, it has been possible to bring about
changes in some of the eggs with

eyes and mouth secretions of nephritis patients, which arouses the suspicion that a cultivatable virus is involved, but the question as to whether this is the nephritis virus remains open. Controlled experiments with material from nephritis patients are still to be made. In order to avoid an endless waste of time and loss of material through accidents, it is my desire that Mr. K. deliver eggs to an experienced virus researcher so that the latter may undertake further identification and cultivation of the material, that is to say he may work on animal contagion, exhibition of elementary bodies, etc. I would be very grateful to you if you would be prepared to take part in this experimentation, and, if you agree, shall instruct K. to make the material available to you in a suitable manner. I would be grateful to you if you would express your opinions with regard to these questions as soon as possible and if you would advise me whether you are prepared to enter into my proposals.

Sincerely,

Heil Hitler!

Your very devoted

Gutzeit"

Mr. K. is obviously Mr. Kalk as we will see in a moment.

We turn now to Document NO-125, Prosecution Exhibit 194. It is a letter from Haezen to Gutzeit. This is dated 27 June 1944:

"My dear colleague Gutzeit:

"Many thanks for your letter of 24 June 1944. I am glad that Herr Dohnen will come here on 15 July. We shall then review all common Hepatitis question and perhaps also set up the experiments together.

"I can not at present definitely answer your inquiry about human experiments. As you know, I am working with Herr Kalk, Herr Butchner and Herr Zuckschwert. Naturally, I have already arranged with Herr Kalk that we shall undertake that type of experiment with our material. I must therefore first determine the point of view of the others concerned.

"I shall be very glad to begin work on the Nephritis material from your
Oberstarzt K.

With best greetings

Heil Hitler

Yours

Professor Dr. E. Haagen
Consulting Hygienist with
Luftflottenarzt Reich."

We turn to Document NO-136, Prosecution Exhibit 195. This is Dr. Haagen sending a copy of a letter to Dr. Kalk, dated the same date 24 June 1944:

"Dear Herr Kalk:

"In the enclosure I send you a copy of a letter from Gutzeit and my reply. We must proceed as soon as possible with the experiments on human beings. These experiments of course should be carried out in St. Elisabeth or in its vicinity." (In the vicinity referring to the nearby Concentration Camp Natzweiler.)

"Could you in your official position take the necessary steps to obtain the required experimental subjects? I don't know what sort of subjects Gutzeit had at his disposal, whether they are soldiers or other people.

"I shall appreciate a prompt reply.

With cordial greetings

Heil Hitler!

Yours

Charakterist Professor Dr. E. Haagen.

Consulting Hygienist with Luftflottenarzt Reich."

We have here the documentary evidence which shows all the arrangements leading up to the actual experimentation and we have, as we noted in the first document in the book, the words of Rudolf Brandt stating as a fact that the experiments were carried out and that some of the prisoners died as a result. Obviously, from these documents, Professor Dr. Haagen and Mr. Dohnen and others has also carried out experiments in Sachsenhausen. So we see collaboration in all parts of the German medical world on this particular experiment.

At this time, Your Honors, we are going to jump a bit in the course of the indictment and go to the presentation of the evidence on the extermination of

tubercular Poles. This is Document Book #9.....

JUDGE SKEBING: Counsel, is this all of the testimony you have to offer or all the evidence you have to offer on behalf of the charge epidemic jaundice?

MR. HARDY: That is complete, sir.

THE PRESIDENT: At this time the Tribunal will recess for fifteen minutes.

(a recess was taken.)

THE PRESIDENT: The Tribunal is again in session.

MR. HARTY: The Prosecution charges under Count No. 2, paragraph 9, that the defendants Blome and Rudolf Brandt unlawfully, willfully, and knowingly committed War Crimes; and, in paragraph 13, Count No. 3, committed crimes against Humanity, and that they were principals in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving the murder and mistreatment of tens of thousands of Polish nationals who were civilians and members of the armed forces of a nation then at war with the German Reich and who were in the custody of the German Reich in exercise of a belligerent control. These people were alleged to be infected with incurable tuberculosis. On the ground of insuring the health and welfare of Germans in Poland, many tubercular Poles were ruthlessly exterminated while others were isolated in death camps with inadequate medical facilities.

We turn now to Document Book No. 9 which was previously numbered No. 7 — Extermination of TB Poles, your Honor. We begin the introduction of this evidence with Document No. 246, which will be offered as Prosecution's Exhibit No. 196. This is a letter from Greiser who was the Reich Governor of the Reichsgau Wartheland, dated 1 May 1942, addressed to Reichsfuehrer SS Heinrich Himmler, Fuehrer-Headquarters.

"Reichsfuehrer:

"The special treatment (Seniorbehandlung)" — which, your honor, means extermination; a term somewhat similar to the expression used in America, "taking a man for a ride".

"—of about 100,000 Jews in the territory of my district (Bau), approved by you in agreement with the Chief of the Reich-Main-Security Office, SS Obergruppenfuehrer Heydrich, can be completed within the next 2 - 3 months. I ask you for permission to rescue the district immediately after the measure taken against the Jews, from a menace, which is increasing week by week, and use the existing and

efficient special commandos for that purpose.

"There are about 230,000 people of Polish nationality in my district, who were diagnosed to suffer from TB. The number of persons infected with open tuberculosis is estimated at about 35,000. This fact has led in an increasing frightening measure to the infection of Germans, who came to the Warthegau perfectly healthy. In particular reports are received with our

increasing effect of German children in danger of infection. A considerable number of well known leading men especially of the police, have been infected lately and are not available for the war effort because of the necessary medical treatment. The ever increasing risks were also recognized and appreciated by the deputy of the Reich Leader for Public Health (Reichsgesundheitsfuhrer) Comrade Professor Dr. Blome as well as by the Leader of your X-rays battalion SS Standartenfuhrer Professor Dr. Hohlfelder."

You will recall Mr. McHaney called to your attention, during the presentation of the evidence on the sterilization experiments, the name of Professor Dr. Hohlfelder of the X-ray battalion. We see them going into this particular action now.

"Though in Germany proper it is not possible to take appropriate draconic steps against this public plague. I think I could take the responsibility for my suggestion to have cases of open TB exterminated among the Polish race here in Warthegau. Of course only a Pole should be handed over to such an action, who is not only suffering upon tuberculosis, but whose incurability is proved and certified by a public health officer.

"Considering the urgency of this project I ask for your approval in principle as soon as possible. This would enable us to take the preparations with all necessary precautions now to get the action against the Poles suffering from open tuberculosis under way, while the action against the Jews is in its closing stages.

"Heil Hitler"!

"Greiser."

This letter indicates that upon the completion of the Jewish action Greiser wants to use the same equipment and facilities for the extermination of the Poles afflicted with tuberculosis.

We turn now to Document No. 247, which is offered as Prosecution's Exhibit No. 197. This is a letter from Koppe the SS and Police Leader on the Staff of the Reich Governor in Posen, dated 3 May

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1942, to the Reichsfuehrer SS, Personal Staff, attention of SS-Ober-
sturmbannfuehrer Brandt.

"Subject: Poles afflicted with TB.

"Dear Comrade Brandt:

"May I ask that you submit the following matter to the
Reichsfuehrer SS:

"The Gauleiter will shortly ask the Reichsfuehrer SS for permission to have those Poles who have been shown to be afflicted with open TB admitted to the detachment Lange for special treatment (Sonderbehandlung). This request is motivated by the Gauleiter's serious and understandable concern for the physical welfare of the German people here. For there are about 20-2500 poles in the Gau who, according to the doctor's opinion, are afflicted with incurable TB and who will not be fit for assignment to work again. In view of the fact that these Poles live very closely crowded together, particularly in the cities, and that, on the other hand, they come in constant contact with the German population, they constitute a tremendous source of contagion which must be checked as quickly as possible. If this is not done the infection of numerous large numbers of Germans and most serious physical damage to the health of the German population must be expected. Today already the number of cases of Germans, among them also members of the Police Force, becoming infected by Poles and coming down with TB is increasing.

"Under those circumstances, I consider the solution desired by the Gauleiter as the only possible one, and ask that you inform the Reichsfuehrer SS accordingly.

"With comradely greetings and

"Heil Hitler

"Your

"W. Koppe."

We turn now to Document NO. 248, which is offered as Prosecution Exhibit 198. This is Rudolf Brand's answer to Koppe, dated 14 May 1942.

"Dear Obergruppenfuehrer:

"Many thanks for your letter of 31 May 1942. Meanwhile I have forwarded a copy of Gauleiter Groisers suggestion to the Chief of the Security Police and asked for his opinion. The final decision in this matter will rest with the Fuehrer anyway. I presume that he

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will talk the matter over with you and Obergruppenfuhrer Greiser at
the SS-Obergruppenfuhrer and SS-Gruppenfuhrer meeting.

"Heil Hitler!

"by order yours

"R. Br.

"SS-Obersturmbannfuhrer.

We turn now to Document No. 245, which is offered as Prosecution's Exhibit No. 199. It is a letter from the Chief of Security Police in answer to a statement made in Rudolf Brandt's letter, dated 9 June 1942, the signature is illegible, and it is addressed to the Reichsfuehrer SS and Chief of the German Police, Fuehrer Headquarters.

"Re: Special Treatment of Poles, afflicted with incurable tuberculosis, within the Reichsgau Wartheland.

"I have no scruples against having the Protectorate-members and stateless persons of the Polish race, who are living within the territory of the Reichsgau Wartheland, and who are afflicted with open tuberculosis, submitted to the special treatment in the sense of the proposal of Gau-Leader Greiser, insofar as their disease is incurable, according to the diagnosis of an official physician.

"The individual measures, though, will first have to be discussed thoroughly with the Security Police, in order to carry out the execution with the least possible attraction of attention.

We turn now to Document No. 252, another letter from Greiser. You will notice it is signed "Herbert", and addressed to "Dear Rudi", meaning the defendant Rudolf Brandt. This document is offered as Prosecution's Exhibit No. 200.

"Handwritten note with words in parenthesis tentatively translated X13/97 Inform by phone that (gassing) under way". The initials are illegible. The letter is dated Berlin, 25 June 1942.

"Dear Rudi,

"Some time ago, a top-secret report from the Reich Main Security Office concerning special treatment of 2000 TB afflicted Poles was forwarded. The report was addressed to your address. Since it was top-secret, SS Hauptsturmfuehrer Faelschlein signed for it. I believe that Faelschlein handed the whole matter over to you without further ado.

"Since a decision of the Reichsfuehrer SS is to be obtained and since the interested department of the firm is slowly getting on my

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nerves through its constant inquiries, I beg you to let me know if you
have the faintest

idea about the whole matter.

"I greet you cordially

"your

"Herbert."

"Shorthand notes only partly legible. Action being processed
should be there already."

"Dear Rudi,

"I assume that you have this (rest illegible) now with
Obersturmführer Faelschlein?)

Now the Document Number NO-244 is offered as Prosecution Exhibit Number 201. It is a letter from the Reichsfuehrer himself, Heinrich Himmler, addressed to Greiser, dated 27 June 1942.

"Dear Comrade Greiser:

"I am sorry that I was not able until today to give a definite answer to your letter of 1 May 1942.

"I have no objection to having protectorate people (Schutzangehoerige) and stateless persons of Polish origin who live with the territory of the Reichsgau (province) Wartheland and are infected with open tuberculosis handed over for special treatment as you suggest as long as their disease is incurable according to the diagnosis of an official physician. I would like to request, however, to discuss the individual measures in detail with the Security Police first in order to assure inconspicuous accomplishment of the task.

"Heil Hitler! (Signed) Heinrich Himmler." Note that copies went to SS-Obergruppenfuehrer Koppe and to the Reich Main Security Office.

"Submitted in transcript to take notice. By order: "with the signature "Br.", meaning Rudolf Brandt, "SS-Obersturmbannfuehrer." "May we now have the full cooperation of Heinrich Himmler in the completion of the task in an inconspicuous manner!"

We now turn to Document Number NO-249, which is offered as Prosecution Exhibit 202. This is dated 21 November 1942, a letter from Greiser to Himmler, which reads as follows:

"Reichsfuehrer: In your letter of 27 June 1942, Journal Number 1247/42 Top Secret, you gave me permission to give special treatment to Poles who are proved to be infected with open and therefore incurable pulmonary tuberculosis. This special treatment of the seriously sick can of course only take place after the whole population in the territory of my Gau has been examined to find out who is curable and who is incurable. The examinations are to start soon in accordance with the method of Prof. Dr. Eohlfelder, who will be assigned to this Gau in a few weeks with his X-ray battalion. The first utilization of this method is estimated to

be possible in approximately half a Year.

"In this stage of the proceedings Prof. Dr. Blome, in his capacity
as

Deputy Chief of the Public Health Office of the NSDAP is raising some objections as to its execution. As he states in a letter of 18 November these objections are expressed only now although Dr. Blome and Dr. Hohlfelder and myself have spent months of preliminary work on examination, clarification and straightening out the whole procedure.

"I enclose a copy of Blome's letter of 18 November for your information and ask that you particularly read pages 3, 3a and 4 and then tell me whether you consider it necessary to inform the Fuehrer of this phase of the procedure and perhaps ask him if such action is to be refused.

"I personally don't think that we have to consult the Fuehrer again in this matter, all the more since he told me at the last interview concerning the Jews that I should act according to my own judgment.

"Would you please let me know your opinion, Reichsfuehrer, in order to avoid unnecessary delay in starting the procedure.

"Heil Hitler! Greiser."

Attached to this we have a letter of Blome, given a document number NO-250 and which will be offered as Prosecution Exhibit Number 203. I don't believe in the entire presentation of this case we will come across such a masterpiece of murderous intent as this document is. This is dated 18 November 1942, from Dr. Kurt Blome, Deputy Head of the Main Office for Public Health of the NSDAP, directed to the Reich Governor and Gauleiter or Party Member Greiser in Posen.

"Regards Tuberculosis action in the Warthegau.

"Dear Party Member Greiser,

"Today I return to our various conversations concerning the fight against tuberculosis in your Gau; and I will give you, as agreed on the 9th of this month in Munich, a detailed picture of the situation as it appears to me:

"Conditions for quickly getting hold of all consumptives in your Gau exist. The total population of your Gau amounts to about four to five million people, of which about 835,000 are Germans. According to previous observations, the number of consumptives in the Warthe Gau is

far greater than the average number in the old Reich. It was calculated
that in 1939 there were among the Poles

about 35,000 persons suffering from open tuberculosis and besides this number about 120,000 other consumptives in need of treatment. In this connection it must be mentioned that in spite of the evacuation of part of the Poles further to the east the number of sick persons is at least as great as in 1939. As in consequence of the war the living and food conditions have deteriorated steadily, one must expect an even higher number.

"With the settlement of Germans in all parts of the Gau, a new enormous danger has arisen for them. A number of cases of infection of settled children and adults occurs daily.

"What goes for the War the Gau must to a certain degree also hold true for the other annexed territories such as Danzig-West Prussia, the administrative districts of Zichenhau and Kattowitz. There are cases of Germans settled in the Wartha Gau who refuse to have their families follow because of the danger of infection. If such behavior is initiated and if our compatriots see that necessary measures for combatting tuberculosis among the Poles are not carried out, it is to be expected that the necessary further immigration will come to a halt. In such a way the settlement program for the East might reach an undesired state.

"Therefore, something basic must be done soon. One must decide the most efficient way in which this can be done. There are three ways to be taken into consideration:

"1. Special treatment (Sonderbehandlung) of the seriously ill persons.

"2. Most rigorous isolation of the seriously ill persons.

"3. Creation of a reservation for all TB patients.

"For the planning, attention must be paid to different points of view of a practical, political and psychological nature. Considering it most soberly, the simplest way would be the following: Aided by the X-ray battalion we could reach the entire population,

German and Polish, of the Gaa during the first half of 1943. As to the Germans the treatment and isolation is to be prepared and carried out according to the regulations of Tuberculosis Relief. The approximately 35,000 Poles who are incurable and infectious will be "specially treated." All other Polish consumptives will be subject to an appropriate cure in order to save them for work and to avoid their causing contagion.

"According to your request I made arrangements with the offices in question in order to start and carry out this radical procedure within half a year. You told me that the competent office agreed with you as to this special treatment and promised support. Before we definitely start the program, I think it would be correct if you would make sure once more that the Fuehrer will really agree to such a solution.

"I could imagine that the Fuehrer, having sometime ago stopped the program in the insane asylums, might at this moment consider a "special treatment" of the incurably sick as unsuitable and irresponsible from a political point of view. As regards the Euthanasia Program, it was a question of people of German nationality afflicted with hereditary diseases. Now it is a question of infected sick people of a subjugated nation.

"There can be no doubt of the intended program's being the most simple and most radical solution. If absolute secrecy could be guaranteed, all scruples, regardless of what nature, could be overcome. But I consider simply maintaining secrecy impossible. Experience has taught that this assumption is wrong. Should those sick persons, having been brought as planned to the old Reich supposedly to be treated or helped actually never return the relatives of these sick persons, in spite of the tightest secrecy, would soon get notice "that something was not quite right." One must take into consideration that there are many Polish workers in the old Reich who will inquire as to the whereabouts of their relatives; that there are a certain number of Germans related to or allied by marriage with Poles who could in this way learn of the transports of the sick. Very soon more definite news of this program would leak out, which would be taken up by enemy propaganda. The Euthanasia Program taught in which manner this was done and which methods were used. This new program could be better used politically as it concerns persons of a subjugated nation. The church will not remain silent either. Nor will people stop at discussing this program. Certain interested circles will

spread the rumor among the people that similar methods are also to be used in the future on German conscriptives. Yes, that one can count on more or less all incurably ill being done away with in the future. In connection with this, I recall the recurring recent foreign broadcasts in connection with the appointment of

Prof. Brandt as Commissioner General, spreading the news that he was ordered to attend as little as possible to the healing of the seriously sick, instead all the more to the healing of the less sick. And there are more than enough people who listen to illegal broadcasts.

"Furthermore, it is to be taken into consideration that the planned proceeding will provide excellent propaganda material for our enemies, not only as regards the Italian physicians and scientists, but also as regards the entire Italian people in consequence of their strong Catholic ties. It is also beyond all doubt that the enemy will mobilize all the physicians of the world. And this will be all the more easy as the general, age-old conception of medical doing and activity is "to keep alive the poor and guiltless patient as long as possible and to allay his sufferings."

"Therefore, I think it necessary to explain all these points of view to the Fuehrer before undertaking the program as, in my opinion, he is the only one able to view the entire complex and to come to a decision.

"Should the Fuehrer decline the radical solution, preparations for another way must be made. An exclusive settlement of all Polish consumptives, both incurable and curable, would be one possibility of assuring an isolation of the infected. One could settle with them their immediate relatives, if they so desire, so that nursing and livelihood would be assured. As regards labor commitment, besides agriculture and forestry certain branches of industry could be developed in such territories. I cannot judge whether you can conceive such a possibility within you Gau.

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" I also could imagine the creation of a common area for the settlement of the consumptives of not only your Gau, but also of the Gaus of Danzig, Prussia, of the administrative district of Ziechenau and of the province of Upper Silesia. In order to avoid unnecessary overtopping of the public near of communication, the removal could be accomplished by walking. This would be a solution that the world propaganda could hardly use against us, and one, on the other hand, that would not arouse any of those stupid rumors in our own country.

" Another solution to be taken into consideration would be a strict isolation of all the infectious and incurable consumptives, without exception, in nursing establishments. This solution would lead to the comparatively rapid death of the sick. With the necessary addition of Polish doctors and nursing personnel, the character of a pure death camp would be somewhat mitigated.

" The following Polish accommodation possibilities are at present available in your Gau:

Nursing Home Walrode	400 beds
Nursing Home "Grote Wiese"	300 beds
smaller establishments	200 beds
Liebstadt barracks, district ..	
of Losen	
as of 1 Jan 1943	1000 beds
Total	1900 beds

"Should the radical solution, for example, proposal No.1, be out of question, the necessary conditions for proposals No.2 or 3 must be created.

"We must keep in mind that the conditions of the war deprive us of the possibility of arranging for a fairly adequate treatment of the curable consumptives. To do so would require procuring at least 10,000 more beds. This figure, under the condition that the program is to be carried out within half a year.

" After a proper examination of all these considerations and circumstances, the creation of a reservation, such as the reservations for lepers, seems to be the most practicable solution. Such a reservation should be able to be created in the shortest time by means of the necessary settlement. Within the reservation one could easily set up conditions for the strict isolation of

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the strongly contagious.

"Even the case of the German consumptives represents an extremely difficult problem for the Gau. But this cannot be overcome, unless the problem of the Polish consumptives is solved at the same time. Heil Hitler, Yours, signed: Dr. Blome."

This letter doesn't require much comment by me. Quite obviously Defendant Blome has suggested three methods of taking care of the Polish situation. He has never voiced in his letter, any moral objection. If we can do it in a way which will satisfy the Fuehrer and keep it quiet so that we won't have any protests from the churches and from some of the moral people in Germany, let's do it, is his opinion. Then he sets up another idea where they can allow the people to be set aside in nursing establishments and would lead to a comparatively rapid death of the sick.

That letter is followed by a letter of Heinrich Himmler to Greiser, which is Document MO-251 offered as Prosecution Exhibit 204. This letter is dated 3 December 1942, addressed to Greiser.

"Dear Party Comrade Greiser: I have received your letter of 21 November 1942. I, too, believe that it would be better to take into consideration the misgivings set forth by Party-member Dr. Blome. In my opinion it is impossible to proceed with the sick persons in the manner intended, especially since, as you have informed me, it will be possible to exploit the practical results of the tests only in six months.

"I suggest you look for a suitable area to which the incurable consumptives can be sent. Beside the incurables, other patients with less severe cases of tuberculosis could quite well be put into this territory too. This action would also, of course, have to be exploited with the appropriate form of propaganda.

"Before writing you this letter I again thoroughly thought over whether original idea could not in some way be carried out. However, I am convinced that it is better to proceed the other way. Heil Hitler, Yours, H. Himmler."

Copies were sent to SS-Obergruppenfuehrer Keppe, Posen, the Reich Main Security Office, Berlin.

"copy with request for reference, by order, and the signature Br."

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And here we see the Reichsfuehrer has agreed with Blome, number one the the radical solution may not be the best; that they set up this reservation. They can leave the Poles with few doctors and little medical care, and no nurses and can propagandize in a sufficient manner that they can accomplish their objective with that method.

Now we have the key and the answer to the entire situation. Your Honors you have heard several witnesses testify here that in various concentration camps tubercular inmates, of whom some were tubercular Poles, were exterminated and gassed. The missing link as to how they continued and whether or not they exterminated any of these incurable tubercular patients is given to by the following affidavit of Rudolf Brandt, Document NO-441 which is Production Exhibit 205.

"I, Rudolf Hermann Brandt, being duly sworn, depose and state:

"1. I am the same Rudolf Brandt, who already on 30 August 1946 swore an affidavit concerning certain low-pressure experiments which were also conducted with test subjects of the Dachau concentration camp, without their consent.

"2. I am entitled by the same reasons, as already enumerated in paragraphs 1, 2 and 3 of my affidavit of 30 August 1946 to state as follows:

"3. In the middle of 1942 the Reich Statthalter of the Warthegau, Herbert Greiser, suggested to Himmler to annihilate Poles infected with incurable tuberculosis." You will recall that this particular document has been received into evidence. "In submitting this suggestion Greiser gave as a reason that the Germans in Poland would be exposed to this epidemic. Dr. Kurt Blome, Deputy Chief of the Central Bureau for Public Health of the NSDAP, and radiologist Dr. Hohlfelder conferred with Greiser about this matter. Dr. Blome was from time to time with Himmler and supported Greiser's suggestion.

"4. The High Chief of the SS and of the Police and Chief of the Warthegau, Koppe, further Mueller of the Office IV of the Reich Main Security Office RSHA, and the chief of the Reich Main Security Office Heydrich were involved in this operation. At the end of 1942 and the beginning of 1943 Greiser carried out the annihilation of the Jews in the Warthegau, and the rounding up of tuberculous Poles was finished at the same time as the rounding up of the

As a result of the suggestions made by Blame and Greiser numerous Poles were exterminated. Many thousands of tuberculous Poles were taken to isolation camps where they had to take care of themselves."

Now here we have an affidavit which indicates, as a result, numerous Poles were exterminated and many thousands were placed in isolation camps and given absolutely no care at all, and they died like flies.

At this point we have finished the introduction or the presentation of the prosecution case in the extermination of the tubercular Poles.

DR. SAUTER: Mr. President, in the last document which the Prosecution has just read, which, I think, is 441, Prosecution Exhibit 205, the affidavit of Defendant Rudolf Brandt, in paragraph 4 the following sentence was read. I will repeat, in paragraph 4 —

THE PRESIDENT: I will ask counsel to repeat the first part of his statement. It came in very indistinctly.

DR. SAUTER: Mr. President, the Prosecution has just read the last document, Number 441, Exhibit 205, an affidavit by the Defendant Rudolf Emil Hermann Brandt. In paragraph 4 of this affidavit the following sentence was read, as far as I can recall. "As a result of the suggestions made by Blame and Greiser between eight and ten thousand Poles were exterminated." End of quotation.

Now I hear that in the original of this affidavit there is supposed to be something different, not the words "between eight and ten thousand Poles", but "numerous poles". Therefore, I ask that I be allowed to see the original of this affidavit of the defendant Brandt so that it can be determined what the correct text is.

MR. EBDY: Your Honors, the defense counsel is absolutely correct.

When the defendant Brandt signed this affidavit he changed "from eight to ten thousand"; as he said he couldn't specifically state, he changed it to "numerous poles," as given in the English translation. Obviously, when the German text was cut on the stencil, they didn't cut out the words "eight to ten thousand" and insert "numerous Poles"; they cut it without the correction. It has been corrected and initialed by the defendant Brandt, and the defense counsel may see it.

DR. SALTER: Mr. President, I have the original of this affidavit of the defendant Rudolf Brandt, and I note that in paragraph 4 it actually reads, and I quote, "numerous Poles were exterminated". At first it stated "between eight and ten thousand Poles", and that apparently corrected by Brandt himself to read "numerous Poles". The German document book must be corrected on this point. Whether it has already been changed in the English book I do not know, but of course it is wrong in the German book.

THE PRESIDENT: The English document book before the Tribunal reads "numerous Poles". I assume that counsel for the prosecution will see that the German document books are corrected to conform.

MR. HADY: I will sir.

DR. SALTER: To have only the German document book, of course, and we cannot ascertain what the English document book says.

THE PRESIDENT: We understand, counsel, perfectly.

DR. SALTER: Then this question is settled. Thank you.

THE PRESIDENT: I understand from the prosecution that it is submitted by the prosecution that the English document book is the correct translation.

MR. LARRY: That is admitted, Your Honor, yes, sir.

MR. MCINNEY: If the Tribunal please, the prosecution would at this time like to turn to the presentation of proof on the sulfanilamide and bone experiments conducted at Ravensbruck. I would like to ask if the Tribunal has before it the document book concerned with these matters. For some reason we seem to have had considerable difficulty in getting both the English and German document books delivered. They were both prepared last night. The German document books were delivered to room 286, which was the old defendants' information center, and they were then taken back and apparently forgotten and not delivered to room 394, which is now the defendants' information center.

THE PRESIDENT: For my part, I have not seen that book.

JUDGE BEEHNE: Mr. McInney, were these delivered to the Secretary General's office?

MR. MCINNEY: I am not prepared to state right now, things seem to be in such a state of confusion; they were certainly supposed to have been. I received mine last night, and the arrangement was that they would be delivered the first thing this morning.

THE PRESIDENT: Well, is it your procedure to deliver it to the Secretary General's office, who, in turn, will then see that it is delivered in the appropriate places?

MR. MCINNEY: Yes.

I would suggest, if it meets with the convenience of the Tribunal, that we have a short adjournment and try to get it straightened out. I am sure that the defense counsel have not received the German document book either.

As a matter of fact, I only wanted to read at this time two documents in the document book. Those are the Affidavits of the defendants Fischer and Oberhauser. The only reason I would like to read these before presenting certain witnesses is in order that the Court may obtain some background of the broad picture before we all certain Polish witnesses who were in Ravensbruck.

THE PRESIDENT: Counsel for the prosecution may follow the procedure deemed advisable. The Court will be in recess for fifteen minutes.

MR. DENNY: Thank you.

(A recess was taken)

THE PRESIDENT: The Tribunal is again in session.

MR. McINNEY: May it please the Court, I understand you now have before you the English document books of Sulzilaside experiments. This book includes the documents which will be presented on the Sulzilaside and Bone experiments at Ravensbrueck. These document books were delivered to the office of the Secretary General this morning, I am advised. The defense counsel have just received copies of the German document books. However, as I stated before the intermission --

DR. SEIDL: Dr. Seidl for the defendant Gebhardt, Fischer and Oberhauser. Mr. President, the Tribunal has issued a ruling to the effect that the defense is to be given the document books at least 24 hours before the documents are submitted in the Courtroom. The document book dealing with Sulzilaside experiments was received only a quarter of an hour ago. In order not to hold up the presentation of evidence by the prosecution I will dispense with legal objections regarding the delay in the submission of this document book. I agree to the submission of this document book at the present time. But, in view of the fact it is a very extensive book, -- it has 130 pages in the German text, and since I have not yet had time to look at the book I ask to be allowed to reserve the right to raise objections to the admissibility of individual documents later.

THE PRESIDENT: The request of counsel to reserve the right to object to these documents at some later time will be granted, providing the objections are urged at the earliest possible and convenient moment for counsel.

DR. TELF: Dr. Telfer for Handloser. Mr. President, the statement which my colleague Dr. Seidl has just made was only for himself. On principle I believe that the defense counsel hold the point of view that the ruling of the Tribunal is that document books must be submitted 24 hours before and should be observed. This is especially true when the contents of the document book are of such special significance, as in this case. This document book consists from the first to the last document, of affidavits, the affidavits

replacing the testimony of witnesses here in the Courtroom. The defense counsel must therefore have an opportunity to learn the contents of these affidavits before and in order to ascertain whether in a certain case the witness must not be called to appear here personally. A brief examination of this document book has shown that various affidavits were later corrected. Thus from the defendant Fischer there are affidavits of the 19th November 1945 and the 1st of November 1946, and also of the 21st of October 1946, the document NO-472. Then there is another statement by Fischer the 7th of December 1946 NO-904. I believe Your Honors that in view of the great significance of this particular document book you will not be able to deviate from your basic rule of procedure without endangering the interests of the defense, and I therefore ask you, perhaps by the examination of witnesses which the prosecution wished to bring to bridge the period of time until tomorrow morning, until we have had an opportunity to be prepared to comment on this document.

MR. McHANEY: May it please the Tribunal, it goes without saying that the Prosecution is extremely sorry that these document books were not delivered twenty four hours prior to the time we wish to read certain Documents from them. However, it had been our intention, and I thought I made it clear before the intermission, to read only two Affidavits from Fritz Fischer and one Affidavit from Herta and Paul Amirson before we call certain Polish witnesses to testify. There are four of these witnesses. I would also like to call Dr. Alexander to testify, as an expert, as to a physical examination he had made of these witnesses. I have very little doubt but that the testimony of these witnesses will take up most of the afternoon session, if not all, therefore, we would only be presenting at this time three Documents, all of which are affidavits signed by one or the other of the defendants. I am quite sure this would not work any hardship on the Defense Counsel, as it may be presumed that their clients have advised them what they have admitted to the Prosecution.

THE PRESIDENT: In view of the statement by the Prosecution and the appellant's counsel who objected to proceeding, immediately changed their mind?

MR. McHANEY: The three Documents the Tribunal has reference to are No. 428, No. 447, and 487.

THE PRESIDENT: Does the Defense Counsel understand the arguments made by the Court?

The Tribunal will now recess until two o'clock. That will allow counsel for the appellants an additional period of time to examine these few Documents to which the prosecution will be limited to using this afternoon.

(The Court recessed at 1230 hours.)

CORRECTED COPY

AFTERNOON SESSION

(The Hearing reconvened at 1400 hours, 19 December 1946.)

THE MARSHAL: The Tribunal is again in session.

MR. McRANEY: If the Tribunal please, the Prosecution would like now to begin the presentation of evidence on the sulfanilamide experiments as charged in paragraph 6(e) of the indictment and the bone, muscle and nerve regeneration and bone transplantation experiments as charged in paragraph 6(f) of the indictment. Of course, these experiments are also set up as crimes against humanity in paragraph 11 of the Indictment under Count 3.

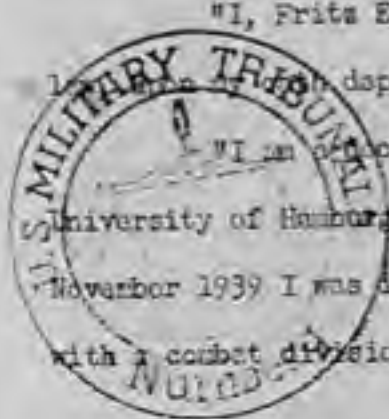
With respect to the sulfanilamide experiments Defendants Karl Brandt, Handloser, Rostock, Schroeder, Capson, Gebhardt, Blose, Rudolf Brandt, Krugowsky, Poppendick, Becker-Freyse, Oberhauser and Fischer are charged with special responsibility for and participation in the sulfanilamide experiments.

With respect to the so-called bone, muscle and nerve regeneration and bone transplantation experiments, the Defendants Karl Brandt, Handloser, Rostock, Gebhardt, Rudolf Brandt, Oberhauser and Fischer are charged with special responsibility for and participation in these experiments.

The first document which we would like to offer is NO-228, which is the first document in the English document books before the Tribunal, and this will be Prosecution Exhibit 206. This is an affidavit taken in the English language and signed by the Defendant, Fritz Fischer. It reads as follows:

"I, Fritz Ernst Fischer, being first duly sworn according to the laws of the United States, depose and say:

"I am a doctor of medicine, having been graduated from the University of Hamburg and passed my State Examination in 1936. On 13 November 1939 I was inducted into the Waffen SS and after having served with a combat division as medical officer, I was hospitalized and then



assigned to the SS Hospital at Hohenlychen, as Assistant Surgeon.

"In addition to my normal duties as surgeon at the SS Hospital at Hohenlychen on or about 12 July 1942, I was ordered by Professor Gohhardt to

begin medical experiments in my capacity as assistant surgeon to Professor Gebhardt. The purpose of the proposed experiments was to determine the effectiveness of sulfanilamide, which I was informed at that time was a matter of considerable importance to military medical circles.

"According to the information which I received from Professor Gebhardt, these experiments were directed initially by the Reichsfuehrer SS and the Reichsarte, Dr. Grawitz.

"Professor Gebhardt instructed me, before the operations were undertaken, on the techniques to be followed and the methods of procedure to be employed. The persons who were to be the subjects of these experiments were inmates of the concentration camp at Ravensbrueck who had been condemned to death.

"The administrative procedure which was followed in obtaining the subject for the experiments was established by Professor Gebhardt with the camp commandant at Ravensbrueck. After the initial arrangements had been made, it was the general practice to inform the medical officer at Ravensbrueck as to the date on which a series of experiments was to be begun and the number of patients which would be required, and then he took the matter up with the commandant of the camp, by whom the selections of subjects were made. Before an operation was undertaken, the persons who had been selected in accordance with this procedure, received a medical examination by the camp physician to determine their suitability for the experiments from a medical standpoint.

"The first of the series of experiments involved five persons. The gangrenous bacterial cultures for use in the experiments were obtained from the Hygienisches Institute der Waffen SS. The procedure followed in the operations was as follows: the subject received the conventional anesthetic of morphine-atropine, then evipan ether. An incision was made five to eight centimetres in length and one to one and a half centimetres in depth, on the outside of the lower leg, in the area of the peroneus longus.

"The bacterial cultures were put in dextrose, and the resulting

mixture was spread into the wound. The wound was then closed and the limb encased in a cast which had been prepared which was lined on the inside with cotton, so

that in the event of swelling of the affected member, the result of the experiment would not be influenced by a factor other than the infection itself.

"The bacterial cultures used on each of the five persons varied both as to the type of bacteria used and the amount of culture used.

"After the initial operations had been performed, I returned to Ravensbrück each afternoon, to observe the progress of the persons who had been operated on. No serious illnesses resulted from these initial operations. I reported the progress of the patients to Professor Gebhardt each night.

"When the five persons who were first operated on, were cured, another series of five was begun. The surgical procedure and the post-operative procedure was the same as in the initial experiments, but the bacterial cultures were more virulent. The results from this series were substantially the same as in the first and no serious illnesses resulted.

"Since no inflammation resulted from the bacterial cultures used in the first two series of operations, it was determined, as a result of correspond^{ence} with Dr. Murgowsky, the Chief of the Hygienisches I Institute der Waffen SS, and conversation with his assistant, to change the type of bacterial culture in the subsequent operations. Using the new culture, two more series of operations were performed, each involving five persons.

"The difference between the third and fourth series was in the bacterial cultures used. The Hygienisches Institute der Waffen SS prepared them from separate combinations of the three or four guinea cultures which were available. In the third and fourth series, a more pronounced infection and inflammation was discernible at the place of incision. Its characteristics were similar to a normal, local infection, with redness, swelling and pain. The circumference of the infection was comparable in size to a chestnut. Upon the con-

pletion of the fourth series the camp physician informed me that the camp commandant had instructed him that no longer would male patients be available for further experiments, but that it would be necessary to use female inmates.

"Accordingly, five women had been prepared for the operation, but I did not operate on them. I reported the change of situation to Professor Gebhardt and suggested that in view of these circumstances, it would be desirable to stop the experimental operations. He did not adopt this suggestion, however, and pointed out that it was necessary, as an officer, that I carry out my duty, which had been assigned to me.

"The experiments, however, were interrupted for a period of two weeks, during which Professor Gebhardt told me he had discussed the matter at Berlin and was instructed to carry on the

experiments, using Polish female prisoners who had been sentenced to death. In addition, he instructed me to increase the tempo of experiments since the Reichsarzt, Dr. Grawitz, intended soon to go to Ravensbrück to test the results of the experiments. Accordingly, I went to Ravensbrück and operated on the female prisoners.

"Since the infections which resulted from the first four series of experiments were not typical of battlefield gangrenous infections, we communicated with Hygienisches Institut der Waffen-SS to determine what steps could be taken more nearly to simulate battle-caused infections. As a result of this correspondence and a conference at Hohenlychen presided over by Professor Gebhardt, it was decided to add tiny fragments of wood shavings to the bacterial cultures, which would simulate the crust of dirt customarily found in battlefield wounds.

"As a result of this conference, three series of operations were performed, each involving ten persons, one using the bacterial culture and fragments of wood, the second using bacterial culture and fragments of glass, and the third using the culture plus glass and wood.

"About two weeks after these new series were begun, Dr. Grawitz visited Ravensbrück. Professor Gebhardt introduced him to me and explained to him the general nature of the work. Professor Gebhardt then left, and I explained to Dr. Grawitz the details of the operations and their results. Dr. Grawitz, before I could complete my report on the procedures used and the results obtained, brusquely interrupted me and observed that the conditions under which the experiments were performed did not sufficiently resemble conditions prevailing at the front. He asked me literally, 'How many deaths have there been?' and when I reported that there had not been any, he stated that that confirmed his assumption that the experiments had not been carried in accordance with his directions.

"He said that the operations were mere fleebites and that since

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the purpose of the work was to determine the effectiveness of sulfanilamide on bullet wounds it would be necessary to inflict actual bullet wounds on the patients. He ordered that the next series of experiments to be undertaken should be in

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accordance with these directions. That same evening, I discussed these orders of Dr. Grawitz with Professor Gabbart and we both agreed that it was impossible to carry them out, but that a procedure would be adopted which would more nearly simulate battlefield conditions without actually shooting the patients.

"The normal result of all bullet wounds was a shattering of tissue, which did not exist in the initial experiments. As a result of the injury, the normal flow of blood through the muscle is cut off. The muscle is nourished by the flow of blood from either end. When this circulation is interrupted, the affected area becomes a fertile field for the growth of bacteria; the normal reaction of the tissue against the bacteria is not possible without circulation.

"This interruption of circulation usual in battle casualties could be simulated by tying off the blood-vessels at either end of the muscle.

"Two series of operations, each involving ten persons, were begun following this procedure. In the first of these, the same bacterial cultures were used as were developed in the third and fourth series, but the glass and wood were omitted. In the other series, streptococci and staphylococci cultures were used. In the series using the gangrenous culture a severe infection in the area of the incision resulted within 24 hours.

"Eight patients out of ten became sick from the gangrenous infection. Cases which showed symptoms of an unspecific or specific inflammation were operated on in accordance with the doctrine and manner of septic surgery. The doctrine of Lister formed the basis for the procedure. The technique is that an incision in the area of the gangrenous blisters was made, and a solution of hydrogen peroxide was poured over them. The inflamed extremity was immobilized in a cast. With best intentions it was possible to improve the gangrenous condition of the entire infected area in this manner.

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"In the series in which nasal cultures of streptococci and staphylococci were used, the severe resultant infection with accompanying increase in temperature and swelling did not occur until seventy-two hours later. Four patients showed a more serious picture of the disease. In the case of these patients, the normal professional technique of orthodox medicine was followed as outlined above, and the inflamed swelling subsided. Due to the slight virulence of the

bacteria it was possible in the case of all patients except one to prevent the threatened deadly development of the disease.

"The incisions were made on the lower part of the leg only in all series to make an amputation possible. It was not made on the upper thigh because then no vessel for amputation would remain. However, in the series the inflammation was so rapid there was no remedy and no amputations were made.

"Since after the tying up of the circulation of the muscles, a very severe course of infection was to be expected, five grams of sulfanilamide were given intravenously in the amount of one gram each, beginning one hour after the operation. After the wound was held open to expose all its corners, sulfanilamide was shaken into the entire area and the area was drained by thick rubber tubes.

"The infection normally reached its acute stage over a period of three weeks during which time I changed the dressings daily. After the period of three weeks the condition was normally that of a simple wound which was dressed by the camp physicians rather than by me.

"The procedure prescribed for the post-operative treatment of the patients was to give them three times each day one cc of morphine, and when the dressings were changed, to induce anesthesia by the use of evipan.

"In all the series of experiments, except the first, sulfanilamide was used after the pyogenic infection appeared. In each series two patients were not given sulfanilamide as a control to determine its effectiveness. One sulfanilamide was too

bacteria cultures together introduced into the incision no inflammation resulted.

" After the arrival of Doctor Stumpfegger from general headquarters in the fall of 1942, Professor Gebhardt declared before some of his co-workers that he received orders to continue with the tests at Ravensbrueck on a larger scale. In this connection, questions of plastic surgery which would be of interest after the end of the war should be clarified. Doctor Stumpfegger was supposed to test the free transplantation of bones. Since Professor Gebhardt knew that I had worked in preparation for my habilitation at the university on regeneration of tissues, he ordered me to prepare a surgical plan for these operations, which after it had been approved he directed me to carry out immediately. Moreover, Doctor Keller and Doctor Heisenoyer were ordered to perform their own series of experiments. Professor Gebhardt was also considering a plan to form the basis of an operative technique of remobilization of joints. Besides the above, Doctors Schulze and Schulze-Hagen participated in this conference.

" Since I knew Ravensbrueck I was ordered to introduce the new doctors named above to the camp physician. I was especially directed to assist Doctor Stumpfegger, since he was physician in the staff of Himmler probably would be absent from time to time.

" I had selected the regeneration of muscles for the sole reason because the incision necessary for this purpose was the slightest.

The operation was carried out as follows:

" Ether and others were used as an anesthetic, and a five centimeter longitudinal incision was made at the outer side of the upper leg. Subsequent to the cutting through the fascian, a piece of the muscle was removed which was the size of the cup of the little finger. The fascian and skin were enclosed in accordance with the normal technique of aseptic surgery. afterwards a cast was applied. After one week the skin wound was split under the same narcotic conditions, and the part of the muscle around the area cut out was removed. Afterwards the fascian and the sewed-up part of the skin were immobilized in

a cast.

"Since Professor Gebhardt did not ask me any longer for these operations, I discontinued them.

"Only one female patient was operated on whose wounds healed under normal aseptic conditions.

"As a disciple of Lexer, Gebhardt had already planned long ago a free heteroplastic transplantation of bone. In spite of the fact that some of his co-workers did not agree, he was resolved to carry out such an operation on the patient Ladisch, whose shoulder joint was removed because of a sarcoma.

"I and my medical colleagues urged professional and human objections up until the evening before the operation was performed but Gebhardt ordered us to carry out the operations. Doctor Stumpfegger, in whose field of research this operation was, was supposed to perform removal of the scapula at Ravensbrueck, and had already made initial arrangements therefore. However, because Professor Gebhardt required Doctor Stumpfegger to assist him in the actual transplantation of the shoulder to the patient Ladisch, I was ordered to go to Ravensbrueck and perform the operation of removal on the evening. I asked Doctor Gebhardt and Schulze to describe exactly the technique which they wished me to follow. The next morning I drove to Ravensbrueck after I have made a previous appointment by telephone. At Hohenzlychen I had already made the normal initial preparations for an operation, namely, etc., merely put on my coat, and went to Ravensbrueck and removed the bone.

"The care physician who was assisting me in the operation continued with it while I returned to Hohenzlychen as quickly as possible with the bone which was to be transplanted. In this manner the period between removal and transpl^{ation} was shortened. At Hohenzlychen the bone was handed over to Professor Gebhardt, and he transplanted it, together with Doctor Schulze and Doctor Stumpfegger.

"Subsequent to the foregoing first operation (gangrenous infection) I had impressed on Professor Gebhardt that now we had result which would justify their cessation. I ceased to operate, and later on I did

not receive any order to continue with the operation. I did not carry out another order for Doctor Stumpfegger, who was absent at that time, to continue his work.

My behavior towards all patients was very considerate, and I was very careful in the operations to follow standard professional procedure.

"In May 1943 at the occasion of the fourth conference of the consulting physicians of the Wehrmacht a report was made by Professor Gebhardt and myself as to these operations. This medical congress was called by Professor Handloser who occupied the position of surgeon general of the armed forces, and was attended by a large number of physicians, both military and civilian.

"In my lecture to the meeting I reported the operations in an open way, using charts which demonstrated the technique used, the amount of sulfanilamide administered, and the condition of the patients.

This lecture was the center of the conference. Professor Gebhardt spoke about the fundamentals of the experiments, their performance, and their results, and asked me then to describe the technique. He began his lecture with the following words:

"I carry the full human, surgical, and political responsibility for these experiments."

This lecture was followed by a discussion. No criticism was raised. I am convinced that all the physicians present would have acted in the same manner as I.

Subsequent to my repeated urgent requests I went to the front as surgeon immediately after this conference. Only after I was wounded did I return as a patient to Habonlychon. I never entered the camp Ravensbruck again. I protested vigorously against these experiments on human beings, endeavored to prevent them, and to limit their extension after they had been ordered. In order not to be forced to participate in these experiments, I declined habilitation at the University of Berlin because I felt that it might result in my being obliged to carry on additional experiments at Ravensbruck. Since I succeeded in scientific discoveries of the highest practical importance that is, the solution of the cancer problem and its therapy, I have not communicated this fact to Professor Gebhardt and have not published this work in order not to be ordered again to carry out experiments."

This was signed by Fritz Fischer. The translation--not the translation but the copy of the original document which is in Your Honors' document book does not show that it is signed, but the original, which is going into evidence, is signed.

"Subscribed and sworn to Before me this 19th day of November 1945.
John J. Lonigan Jr., Major."

Of course this affidavit contains some technical language but I think it is pretty clear what the Defendants Gebhardt, Fischer and

Oberhauser were doing in the Ravensbruck concentration camp. As described in this affidavit, these experiments began in the latter part of 1942, and insofar as the Defendant, Fischer is concerned, were concluded in May 1943. The Tribunal will recall that Fischer made a very frank and open statement to the effect that

a full report was given on these Ravensbruck experiments before that August body headed up by the Defendant Haneloser; the Military Medical Academy in Berlin was under his direct control. The Defendant Rostock, as it so happened presided over and was chairman of the meeting at which this report was made, since it was given to a section of the Academy dealing with surgical problems. Sitting in the front row was the Defendant Karl Gohhardt, on his right was the Defendant Haneloser. These facts will appear in proof to be subsequently submitted, and curiously enough, at the very same meeting in May, 1943, at a section attended by the specialists in hygiene, a report was given by the notorious Dr. Ding on the murderous typhus experiments at Buchenwald; and the Defendant Rostock will also tell you that he attended that meeting and not only did he attend it but he got up and said a few words to me about the experiments themselves.

I would like now to pass on to the second affidavit of the Defendant Fischer. This is Document NO-477 and will be Prosecution Exhibit 207.

I think I probably stated, in previous testimony about the meeting in May 1943 at the Military Medical Academy, that Gohhardt was in the front row. That was a mistake; it was Defendant Karl Gohhardt in the middle of the front row; on his right was Gohhardt and on his left Haneloser. Gohhardt made a speech, together with the Defendant Fischer.

Prosecution Exhibit 207 reads as follows:

"I, Fritz Ernst Albert Fischer, being duly sworn, depose and state:

1. That the said Fritz Ernst Fischer was previously sworn to an affidavit on the 19th of November 1945 and on the 21st of October 1946 concerning self-inflicted experiments and bone transplantation performed on inmates of the Ravensbruck Concentration Camp.

2. For the same reasons set forth on Page 1 of my affidavit of 19 November 1945, I am able to make a statement concerning the activities and participation of Dr. Hart Gohhardt and Dr. Bernard Schickelbusch in these forced experiments.

3. Dr. Hart Gohhardt was one of the camp physicians of the concentration camp Ravensbruck. She helped in my self-inflicted experiments and

in the operations connected with the experiments, which I already have described in my affidavit of 19 November 1945. During all the time I was carrying out operations she assisted me, with the exception of a few days of her vacation. Dr. Oberhauser was in charge of the post-operation care for the patients and she regularly reported to me how the patients were getting on and how the experiments developed. As a matter of course she knew that one of the series of patients were operated on and infected but not treated with sulfanilamide, in order to determine the effect of the drug. Further, I believe she knew that in other experimental series pieces of glass and wood were inserted in the wounds of the victims in order to intensify the infection and to create chemically a situation which may occur to soldiers in the field and that for the same reason, in other cases, circulation of blood was interrupted by artificial means.

4. She assisted me in every operation from the beginning to the end, during all the time I was experimenting with sulfanilamide in Ravensbruck. In several cases she attended the patients after the operation and was always present when I changed the bandages of the patients, and assisted me in this duty.

5. Dr. Oberhauser also reported to me that in certain cases during the last series of experiments the effect of the infection was much more serious than that which we observed in previous cases. She also informed me about the three cases which occurred during the experimentation, as she took care of the three patients who later died. She reported to me that these people died in consequence of the infection.

6. In spite of the fact that she did not like her work as a camp physician and was the only female doctor in Ravensbruck, Dr. Oberhauser never explained to me about her participation in the experiments.

7. I believe the selection of victims for the experiments was carried out by Dr. Chief Doctor of the Ravensbruck Concentration Camp, Dr. Schellong, together with Dr. Oberhauser. Dr. Oberhauser took part in the selection, inasmuch as she knew the situation of the camp doctor and the other doctors as well as the camp physician. Later, she was transferred and became an assistant to Dr. Schmidt in Hohenlychen, and I presume, therefore, that she was also

familiar with the bone transplantations which were carried out by Dr. Gebhardt and Dr. Stumpfegger after I left Hohenlychen.

8. Dr. Schidlausky, the Chief Physician of Ravensbruck concentration camp, never assisted me personally when I experimented with sulfanilamide. He assisted me, however, when I carried out the bone transplantations which I described in my affidavit of 19 November 1945, as Dr. Oberhauser was not a surgeon.

9. To the best of my knowledge, Dr. Schidlausky assisted Dr. Gebhardt when he experimented with sulfanilamide. Dr. Schidlausky was familiar with the sulfanilamide experiments and with my task in the Ravensbruck concentration camp, and as stated before, selected victims for these experiments." Signed 1 November 1945, Fritz Ernst Albert Fischer.

This affidavit then gives us some idea of the part played by the Defendant Oberhauser in these experimental operations at Ravensbruck.

It comes now to the affidavit by the Defendant Oberhauser herself. This is Document NO-487 and will be Prosecution Exhibit 208.

"I, Dr. Herta Oberhauser, duly sworn, depose and state:

1. I was born in Cologne on the Rhine in Germany on 15 May 1911, studied medicine in Bonn from 1931 to 1933 and thereafter in Dusseldorf till 1937. I joined the NSDAP in May 1937 and was since 1933 in the SD. In this organization I had the rank of District Physician in Dusseldorf. I worked at the medical clinic in Dusseldorf and at the Dermatological clinic in Dusseldorf, and was thereafter as Specialist and Camp Physician to the concentration camp Ravensbruck. Later I was transferred to Hohenlychen, to the hospital of the Red Cross under Professor Karl Gebhardt.

2. Through my capacity as camp physician and specialist at the concentration camp Ravensbruck and as assistant physician to Professor Dr. Gebhardt at the Hospital in Hohenlychen and because of the fact that I assisted Dr. Karl Gebhardt, Dr. Fritz Fischer and Dr. Stumpfegger in their operations and experiments, I have a detailed knowledge of the sulfanilamide experiments and bone transplantations performed in Ravensbruck and Hohenly-

then. I was therefore able to make the following statements about these facts:

Sulfonamide Experiments

3. The sulfonamide experiments were carried out in the time between August and the end of 1942, for the purpose of determining the effects of sulfonamides.

The experimental subjects needed for these experiments were drawn to me on a list furnished by the camp administration, and it was my duty to examine the condition of health of the proposed persons. Mainly, I had to examine their skin and their heart. Some of the proposed prisoners were also X-rayed. When I considered one or the other of the prisoners as not sufficiently healthy for the performance of the operation, I notified the camp physician, at that time Dr. Schindlowsky, by telephone, and he replaced him with another one. Only perfectly healthy Polish nationals were used for the experiments.

"4. The operations were performed by Dr. Fritz Fischer. Sometimes I helped and assisted at these operations and had the duty, to attend the patients after the operation. Different series of experiments were conducted; in some, glass or wood splinters and cloth fibers were forcibly brought into the wound, in order to cause gangrene. For this purpose, a cut on the calf of an approximate length of 10 centimetres was usually made. I don't recall either, which muscle was used for the purpose of the experiment.

"5. I cannot say, how many persons, on whom experiments were conducted, suffered permanent injuries. But I knew that three died as victims of these experiments. I found that their heart failed. But since I had examined these three persons before the experiments were conducted on them, it is very probable that they died because of the infection which was caused by the experiments.

"6. As far as I can remember, a total of 40 persons were used for these experiments.

Bone Transplantation

"7. The experiments with bone transplantations were carried out, as far as I can remember, at the end of 1942 and beginning of 1943 by Dr. Stumpfegger of Hohenlychen. I helped and assisted Dr. Stumpfegger in the same way, as I helped Dr. Fischer with the sulfonamide experiments, and as I have described already in paragraph 4 of this affidavit. Before the operation I had to examine, as in the other case, the condition of the health of the selected persons. The operations consisted in the removal and transplantation of a piece of bone from the tibia. Fifteen to twenty persons were used for these experiments.

"The persons necessary for these experiments were requisitioned by Dr. Schidlusky from the camp commander.

"8. Dr. Karl Gebhardt was in charge of the sulfonamide experiments and bone transplantations. It is not known to me, that he himself has performed operations of this type. But I know, that all these experiments were performed under his direction and supervision and upon his instruct-

ions.

He was assisted by the already mentioned Dr. Fischer and Dr. Stumpfegger and also by Dr. Schidlusky and Rosenthal. Also for these experiments, only healthy Polish prisoners were used.

I can't remember, that a single one of the used experimental subjects was pardoned after the completion of the experiments.

Conditions in the Concentration Camp Ravensbrueck

"9. During my service at the concentration camp Ravensbrueck I observed that one of the physicians serving there, Dr. Sonntag, severely mistreated prisoners who reported sick, by beating and kicking them.

"10. It was no rarity at Ravensbrueck, that persons who were already approaching death, were killed by injections. I myself have given 5 or 6 such injections.

"Munich, 1 November 1946, Signature: Herta Oberhausen".

This, your Honor, I think, gives a sufficiently broad picture of what transpired at the Ravensbrueck Concentration Camp, and we submit that this affidavit probably contains all the material facts to constitute a confession to the crime charged with the exception, perhaps, of the voluntary character of the experimental subjects used, who were operated on; and, that of course, will be proved in a few minutes.

We would like now to call the first of a series of four witnesses.

THE PRESIDENT: Before the witness is called the Tribunal will take a fifteen minute recess.

(A recess was taken)

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: May it please the Tribunal, the prosecution has brought four Polish girls from Warsaw; and we will have them testify before this Tribunal. It is the contention of the prosecution that these witnesses were subjected to the alleged criminal experiments at Ravensbrueck.

The condition of these witnesses is, of course, a matter of medical opinion. For that reason we have had each of these four Polish girls examined by Dr. Alexander. We have also had X-Rays made of their legs; and we have also made photographs of these girls. The prosecution proposes to place the first witness on the stand, have her sworn and subjected to direct examination and then cross examination. We would like at that time to have Dr. Alexander take the stand before she leaves; have him sworn and qualified by the prosecution; and then present to the Tribunal his medical report on that particular witness. At that time both witnesses would retire; the second girl would be brought to the stand; and the same procedure followed. Of course Dr. Alexander would remain under oath during the whole course of his testimony.

If the Tribunal would find that procedure satisfactory, I think it might make for clarity and for a more consecutive record.

THE PRESIDENT: Is it the theory of the prosecution that Dr. Alexander would not be cross examined upon each individual case but cross examined after all the witnesses had testified?

MR. McHANEY: No, indeed sir. It is our thought that the defense would be given the opportunity of cross examining Dr. Alexander while he is on the stand testifying with respect to the witness who is also then on the stand.

THE PRESIDENT: That would be the proper method.

MR. McHANEY: Yes, indeed.

THE PRESIDENT: Proceed.

MR. McHANEY: I ask that the witness Maria Bredl-Plaster be called to the stand.

THE PRESIDENT: The Marshal will summon the witness Maria Broel-Plater .

MR. MEHANEY: If the Tribunal please, these witnesses will testify in Polish.

MARIA BROEL-PLATER , a witness, took the stand and testified through an interpreter as follows.

BY THE PRESIDENT:

Q. Witness, at to your name.

A. Maria Broel-Plater.

Q. Hold up your right hand and be sworn. Do you answer that the evidence you shall give in this case shall be the truth, the whole truth, and nothing but the truth, so help you God?

A. I swear.

THE PRESIDENT: I will administer the oath again to the witness and you will repeat it to her. Repeat the oath to the witness, Interpreter.

THE INTERPRETER: Yes, In Polish.

BY THE PRESIDENT:

Q. Do you swear that the evidence you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

A. I swear.

(The witness repeated oath.)

THE PRESIDENT: Has the Interpreter been sworn, Mr. Prosecutor?

MR. McHANEY: I rather doubt that he has, Your Honor. I think for purposes of the record that the Interpreter should also be sworn in this case.

THE PRESIDENT: The Interpreter will rise.

INTERPRETER: JULIUS PANIK:

THE PRESIDENT: State your name.

THE INTERPRETER: Dr. Julius Panik.

THE PRESIDENT: Please repeat this oath after me.

I solemnly swear that I will perform my duties as interpreter to the Tribunal according to the best of my ability and skill and that I will faithfully keep secret all matters which may come to my knowledge in the course of my duties which is not expressly made public by the Tribunal. So help me God.

(The Interpreter repeated the oath.)

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Witness, your name is Maria Brzed-Plator?

A. Yes.

Q. Your last name is spelled B-r-e-d-a-s-i-P-l-a-t-o-r?

A. Yes.

Q. You were born on 18 December 1913 in Warsaw?

A. Yes.

Q. You are a citizen of Poland?

A. Yes.

Q. Have come here voluntarily to testify in this proceeding?

A. Yes.

Q. What is your present home address?

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A. Warsaw, Grohowska Street, Number 171, Flat 9.

Q. Witness, are you married?

A. No.

Q. Are your parents living?

A. Only my mother.

Q. Witness, will you tell the Tribunal what education you have received?

A. I finished high school and junior college in Bjela Poglawska and then the college of commerce and industrial college in Warsaw.

Q. When were you graduated from this school of commerce and industry in Warsaw?

A. In June, 1936.

Q. What did you do after you finished school?

A. I went to the hospital in Ploj near Bug, near River Bug. After six months of practice, I worked as a bacteriologist in the hospital.

Q. For how long did you stay there? In other words, I want you to tell us what what you did until 1939.

A. Till the 11th of September 1939, I worked in the same hospital as bacteriologist.

Q. I see. What happened on the 11th of September, 1939?

A. On the 11th of September 1939, the hospital where I worked was evacuated. I got orders to go with the rest of the personnel of the hospital. After two weeks of travelling, we arrived in Hungary. There I stayed eleven months and was interned in a camp. Afterwards I was brought by Germans back to Poland. I immediately entered the underground and I worked there until I was arrested.

Q. When did you come back to Poland from Hungary?

A. On the 1st of August, 1940.

Q. You say that you then entered the Polish underground?

A. Yes.

Q. What work did you do in the underground?

A. I was the chief of messengers.

Q And what happened as a result of your working in the underground?
Were you ultimately arrested?

A I was arrested by Germans on 12 June 1941.

Q Did you undergo any trial?

A Yes.

Q By what sort of court were you tried, and what was the result of the trial?

A I was not tried by a court, but I was only investigated by the Gestapo, and during interrogation I was very heavily beaten.

Q And what was the result of this investigation? What did they do with you after you were arrested?

A I stayed in prison, and then I was sent to the concentration camp Ravensbrueck.

Q You mean you stayed in prison in Poland, is that where you were kept?

A Yes, in Poland, in Biele Podlaska, and in Lublin.

Q And then when did you go to the Ravensbrueck concentration camp?

A On 23 September 1941.

Q And how were the living conditions in Ravensbrueck at that time?

A Living conditions in the concentration camp Ravensbrueck were not bad at that time, but a few months later they grew worse and worse. Each of us had our own number, and my number was 7911. Because the Germans were then at the top of their power, they were very haughty and we could not talk with them. We were not treated like human beings, but like numbers. Each officer, or each SS-woman, could beat us as much as she wished. If you were summoned to the hospital or to the block you were not allowed to put any questions. Living conditions were hard because we had to work twelve hours a day.

Q What sort of work did you do in the camp, witness?

A I carried stones in wheelbarrows; then I worked in shop work, where straw shoes were produced. I braided straw which was put into water which was mixed with lye. The lye ate off the skin of my fingers. I worked there until I was operated on.

Q Now, before we come to that - Are you hard of hearing, witness?

A I am hard of hearing because of beatings received on my head by the Gestapo.

Q You stated that you were operated on. Will you tell the Tribunal in your own words just when that happened and all the circumstances surrounding it?

A The operations started to be performed in the concentration camp Ravensbrueck on the 1st of August, 1941. Before I was operated on, five of my comrades had been operated on before me, and they died. Their names were Ketzl, Keroske, Prust, Papanowitsch, and Kraske.

I was taken to the hospital on the 18th of November, 1942. A police woman came and brought a list with names of prisoners, and my name was on this list. We all asked where we were going, but we got no answer. We were brought to the hospital, so-called Revier. There we waited about one hour in the corridor. Then we were taken to Dr. Oberhauser, who told us to disrobe, who examined us and then sent us to be X-rayed. My breasts had been X-rayed. Then I was sent back to an ordinary hospital room, and I was put to bed.

Q Witness, was there anything wrong with you that required an operation?

A No, I was entirely healthy, except for my ears.

Q Were you asked if you would agree to undergo an experimental operation?

A I was not asked, and none of us knew why we were brought to the hospital.

Q Well, will you continue to describe what happened?

A We stayed in bed two days and our temperatures were taken. After two days a German nurse arrived and shaved my legs. Then I started suspecting that I would go for an operation. I could not defend myself, as none of my comrades could, because the conditions were such that I could not defend myself; I was so ill-treated and I had had so much of all of this camp life. We were always told, "You will never come back to Poland," and they said that we would not leave the camp.

alive. Therefore I hoped that maybe I would die during this operation and that it would be the end of my suffering.

On the 23rd of November, 1942, I got no food. About noon I was given an injection, and I felt stunned after this injection. In the afternoon I was put on a small hospital cart and brought before the operating room. Before the operating room Schidrowsky and Oberhauser were waiting for me. Oberhauser asked me whether I had artificial teeth. Then Schidrowsky gave me an injection. After this injection I lost consciousness. I recovered consciousness and noticed that I was back in the hospital room. Oberhauser stood before me and slapped my face. I shivered with cold. I was curious to see how my leg was. The left leg was not operated on. The right leg was completely numb. I did not notice any wound or bandage, but a few centimeters beneath the knee I noticed a small hole, as if it was after a sting given by a pin or needle. Around this hole there was something like powder. I brushed off the powder, but I didn't see anything.

At night I developed a very high temperature. I had this temperature for two days. My leg was very swollen from the toes up to the hip. In the neighborhood of the ankle my leg was quite dark and very swollen. In the evening Oberhauser came with some other doctor. I did not know this doctor, and I don't remember his face. He examined my leg and said, in German, "fertig", that is all.

I was then taken to the operating room for the second time. I don't remember how I got there. When I woke up after the operation I was again in my bed. My leg was bandaged from the toe up to the knee. The bandage was triangular in shape. My leg pained me; I felt severe pain, and blood flowed from my leg. At night we were all alone, without any care. I heard only the screaming of my fellow prisoners, and I heard also that they asked for water. There was nobody to give us any water or bed pans.

In the morning Oberhauser came and gave us injections; a German nurse helped her in doing this work. I remember that there were great quantity of injections, intravenous injections; a great quantity.

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Then I had a high temperature and I could not remember anything. A few days later I was taken to the dressing room. When the dressing was changed I was put to sleep. After this changing of dressing, was drained from my wound and all the bandages were wet. A few days later I was taken again to the dressing room. In the dressing room was Oberhauser. I heard her voice because the blanket was put over my eyes. I felt that somebody took off the bandage. I was told to lift my leg and keep it like that. Besides I felt a severe pain, I removed the blanket from my head and the first thing I saw was my leg. The leg made a horrible impression on me. It was on the flesh. There stood Oberhauser and a man in an operating gown. The man wore glasses and was blonde. At that time, I didn't know his name. As my leg caused me great pain I started shouting that "it pains me" and the doctor came near me and told the German nurse to give me morphine. I kept his face in my mind. When I came back to my hospital room I asked my fellow prisoners who had performed the operation on me and I described the face of the man. I was told by other prisoners that it must have been Gaborst.

Q.- Witness, do you see the man Gaborst in the defendant's dock now?

A.- In the seventh in the first ring.

Q.- Seventh from which end?

A.- In the first ring.

MR. McMANIS: From which end is she counting seven?

THE INTERPRETER: From the right. The witness says that she was taken. The witness was sitting in the first ring. It is very difficult for the witness to recognize him because he is changed and she is not quite sure.

MR. McMANIS: Witness, just take your time and tell which of the men in the dock you think is the man you said was Gaborst, if you saw any such man. If you don't, why just tell us.

DR. SERVATIUS: Mr, President, may I make a request? The witness is not speaking in Polish but she is speaking Russian. I would be very grateful if she would speak so loud that we could all hear. What the interpreter is saying to her and what she replies to him.

THE INTERPRETER: The witness says that she recognizes Dr. Gebhardt in the seventh man sitting in the first ring.

MR. McHANEY: I have asked you twice. You can count the seventh man from either this end of the dock or that end of the dock. Now, which man is it?

THE INTERPRETER: The man -- where the place is empty -- the last man sitting in the first ring.

MR. McHANEY: Will you have the witness count from this end of the dock. She says "in the first row." Will she count down the number of men she sees until she arrives at the one she says is Gebhardt.

THE PRESIDENT: The Tribunal asks the witness to step down and pass along the dock and indicate the man.

(The witness stepped down from the stand, passed along the dock, and pointed to the defendant Gensken who stood up.)

MR. McHANEY: I suppose that the defense counsel will wish that the record show that she recognized the defendant Gensken as the defendant Gebhardt.

THE PRESIDENT: The record will so show.

MR. McHANEY: Now, witness, will you continue to tell your story.

A.- I was told by my comrades that this was Dr. Gebhardt and since that time I haven't seen him. The third change of my dressing lasted a very long time and I was put to sleep also. Oberhauser used to visit us each day and give us injections. She always gave us injections herself. The German nurse called us by letters and numbers and not by names. I had the letters PIAI. Near me was the prisoner Djijowna with the letters P/2. Her leg was not operated on.

Q.- Witness, when did you leave the hospital?

A.- On 15 January 1943.

Q.- Were you well at that time? Were you cured?

A.- I was not cured at that time but at least for other people were

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needed in the hospital and therefore I was sent to the block.

Q.- What work did you do in the block?

A.- I lay in bed because I could not walk. In spite of that I had to be on the roll call place each day. At the end of May Oberhauser told all operated girls to come to the hospital. She looked at our feet and told us that we

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we were fit for going to work. Blood flowed from my leg and it was very difficult for me to walk, but I had to carry out the order. We had to work. I was put in Block 15. In this block the chief of the block was a Czech woman who tried to help us. It occurred to her that it would be good to use us as workers in knitting stockings on the block as it was done by elderly women. But even this work was very hard for me. I could not sit a long time because my leg got numb. At the end of June the scabs on my leg opened again. Blood and pus drained from my wound during one week. It was not only my case, but the legs of many comrades also bled. I saw, in the wounds of my fellow prisoners, pieces of wood, glass, and even a thread with a broken needle.

The doctors who used to work with Oberhauser refused to help us. They told us that they did not want to improve things, by Oberhauser. I did not hear it myself but this was repeated to me by my comrades who asked for help from the hospital doctors.

Q. Now, witness, when did your wound heal completely?

A. In the end of June.

Q. June when, what year?

A. 1943.

Q. And you were operated on in November 1942, is that right?

A. Yes.

Q. Did you object to this operation?

A. I could not protest against the operation because like conditions in the camp didn't allow it. We were not allowed to say anything and were beaten for having said something. I went through this beating and treatment. When the like conditions in the camp changed, then we protested because the operations were performed constantly on persons who had been operated on before. Some of them were operated on five and six times. In the spring of 1943 we decided to protest against it. We preferred to die than to suffer again, but our protests gave no result because the operations were carried on. At that time the camp commander was Oberaufseherin Langefeldt; and then we made a protest in writing against those operations. We got no answer. They tried to operate on some other of my comrades. Some of them escaped and ran away from the hospital. Those who were weaker and could not escape had to be operated on again. For several months there were no operations. At that time Langefeldt was dismissed and Bienz took her place. On the 15th of August 1943 some girls were summoned to the hospital. They didn't want to go. They knew that they were going to be operated on. Bienz appeared on the same day and told all the prisoners to get out of the block. In this block lived all girls who had been operated on before. There were sixty girls after the operation and about a thousand women who had not been operated on. All women in other blocks were not allowed to leave their blocks. Bienz came and told ten girls to get out

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of the rink. She put them before the block and asked them why they did not follow her order and did not appear in the hospital.

The tenants said that they knew why they were summoned and they did not want to be operated on again and that they preferred death to the operation. Biens told them that there was no question of an operation and gave them their word of honor that they would go for work outside the camp. She told them to follow her because, as she said, she wanted to show them a paper proving that they would be sent for work to the factory outside the camp.

I forgot to mention that people, women belonging to the Lublin transport, were not allowed to work outside the camp. That is why my fellow prisoners did not believe Biens, but they followed Biens and stood before her office. Biens left them standing before her office and went alone to the canteen. In the canteen were Polish prisoners who understood German very well, seeing these ten prisoners standing before the office, and told them that Biens asked for SS men to help to get them by force to the hospital. Then the comrades ran away and mixed with us. After a while, Biens appeared with the camp police and told these ten girls to get out of the rink. Nobody followed their order. Then the police women, who knew very well the operated women, drove them out of the rink, accompanied by the camp police, and they were taken by Biens to the bunker. I know that operations had been performed on them in the bunker because the girls who had undergone those operations told me that.

Q. Was it clean in this bunker, witness? Was it clean in the bunker; were the conditions hygienic?

A. The bunker was a kind of prison. The cells were very small, dirty, and dark.

Q. And they operated on these ten Polish girls in this bunker?

A. Five of them were operated on in the bunker.

Q. When did this happen?

A. On the 15th of August 1942. They told us they did not get food for three days as a punishment that women from this block did not betray their comrades. The shutters were closed and we had to stay in the block in darkness without food. After three days, when the doors were opened, the majority of the prisoners were lying on the floor - fainted. I know

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(
that the operations had been performed in the bunker and in very bad conditions and that during the operation the

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legs of the operated women were dirty and covered with mud.

Q. How do you know that, witness?

A. I know it from my comrades who came back and told me that.

Q. Now, can you tell the Tribunal approximately how many Polish girls were operated on in Ravensbruck, experimental operations?

A. About seventy.

Q. And do you know whether any of them died as a result of these experimental operations?

A. Five persons, whose names I gave at the beginning of my deposition.

Q. And those five were only ones that you know died as a result of these operations, is that right?

A. Yes, but I knew also that five other girls who had undergone operations had been shot down. One of them, Oknonowska, was supposed to be set free. In 1945 I met her on her way back to Poland. I talked to her and she told me that she worked with a German peasant on his farm.

Q. Were any of these girls who were operated on released from the concentration camp because they underwent the operation?

A. No.

Q. Do you still suffer any effects from this operation?

A. Yes.

Q. What are they?

A. I have very often temperature and my leg causes me sometimes very severe pain so that I cannot walk.

Q. Do you have to wear special shoes?

A. Yes, I must wear shoes on very low heels and very light.

Q. What is that answer again please?

A. I must wear very light shoes with very low heels.

Q. Do you have any limp when you walk bare-footed?

A. I limp, but not much.

Q. Have you received any operational treatment since you left Ravensbrueck?

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A. No.

Q. I would like now to submit to you 3 pictures. These are, if the Tribunal please, Document Number NO-1097, a, b, and c. They are not in your Honors' document books. They have just been received. They were taken only a few days ago and they are not in the document book.

JUDGE SEBRING: Will they be, Mr. McHaney?

MR. McHANEY: Well, Your Honor, I don't know whether we will be able to have photographic duplications of all of these or not. We can very easily make photostatic copies but they really do not show up very well. I have got

one set here which I would like to pass up to the Tribunal . w.

BY MR. McHANEY:

Q Witness, will you look at these photographs and tell the Tribunal if they are pictures made of you here in Nurnberg?

A Yes.

Q Are all three of them pictures of you?

A Yes.

Q Thank you. I submit document number No 10780, b, and c, as Prosecution Exhibit 209. Now witness, will you please remove the stocking and shoe from the leg which you were operated?

(Witness proceeds to comply with request.)

JUDGE BERRING: How can you submit these photographs so that a permanent record may be made unless you actually have the originals and a copy filed with the Secretary General?

MR. McHANEY: Well, Sir, we have original copies made from the negatives which are now in this exhibit folder and which has been Exhibit number 209. We will pass that to the Secretary General and it is then a part of the permanent record. I have passed these up for Your Honors' inspection and the Tribunal may keep these.

JUDGE BERRING: Do you have two sets of each of these pictures for the Secretary General? We require the Secretary General to keep all of his record in original and duplicate, as you know.

MR. McHANEY: I see. We will be glad to provide him with a set, yes.

BY MR. McHANEY:

Q Witness, you have removed the stocking and shoe from your leg?

A Yes.

Q Will you please stand up and walk around to the front of the witness box so that the Tribunal may see? (Witness complies.) Now will you turn around, please? Turn around again, more slowly please, a little more, turn around just a bit more; now then stand still there. (Witness complies.) All right, you may sit down now, please/ When did you leave Ravensbruck, witness?

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A. On the 23 April, 1945.

Q. What are you doing now?

A. I work now in the Red Cross in Warsaw.

Q. Now, do you see any one in the defendants' dock you recognize to be the person Oberhauser?

A. Yes.

Q. Is she a woman witness, I did not get the answer please.

A. I recognize her.

MR. McHANEY: He will ask that the record show that the witness has recognized the woman in the dock as being Oberhauser.

JUDGE SEHRING: The record may so show.

MR. McHANEY: I think I have no further questions at this time, Your Honor.

JUDGE SEHRING: Do any of defense counsel care to cross examine this witness in the morning when court convenes?

DR. SEIDL (Counsel for Defendants Gebhardt, Oberhauser and Fischer): I have the intention to address several questions to the witness tomorrow.

JUDGE SEHRING: There will be questions propounded then, I understand?

DR. SEIDL: Yes Sir.

JUDGE SEHRING: Mr. McHANEY, the witness will be produced here in the morning, then, for cross-examination.

MR. McHANEY: Yes indeed, Your Honor.

THE PRESIDENT: The Tribunal will be recessed until 9:30 tomorrow morning.

(The Tribunal adjourned until 20 December 1946, at 0930 hours.)

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

Roll 2

Target 3

Volume 3

Dec. 20, 1946-Jan. 6, 1947

NATIONAL ARCHIVES MICROFILM PUBLICATIONS

OFFICIAL RECORD

UNITED STATES MILITARY TRIBUNALS NURNBERG

**CASE No. 1. TRIBUNAL I
U.S. vs KARL BRANDT et al
VOLUME 3**

**TRANSCRIPTS
(English)**

20 December 1946 - 6 January 1947 pp. 800-1166

CORRECTED COPY

Official transcript of the American Military Tribunal
in the matter of the United States of America against
Karl Brandt, et al., defendants, sitting at Nurnberg,
Germany, on 20 December 1946, 0930, Justice Beals
presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal 1.

Military Tribunal 1 is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: The Marshal will ascertain that the defendants are
present.

THE MARSHAL: May it please your Honor, all the defendants are
present.

THE PRESIDENT: The Secretary General will note for the record the
presence of all the defendants in the courtroom.

MR. HARDY: May it please the Tribunal, due to some unforeseen
circumstances the arrival of the witness has been delayed. If it would
be possible to recess for ten or fifteen minutes pending the arrival of
the witnesses it would be very much appreciated.

THE PRESIDENT: The Tribunal will be in recess until we are notified
of the arrival of the necessary witnesses.

(A recess was taken.)

THE PRESIDENT: The witnesses having arrived, the Tribunal will
proceed.

MARIA BROEL-FLATER - Resumed

CROSS EXAMINATION

BY DR. SEIDL (Counsel for the defendants Gebhardt, Oberhauser, and

Fischer):

Q ~~Witness~~ In September 1939 during the war, were you evacuated to
Hungary?

A I was evacuated to Hungary on the 11th of September 1939.

Q. On the 1st of August you returned to Poland. Did you return to that part of Poland which was described as the general government?

A. Yes.

Q. When did you join the resistance movement?

A. One month after my return to Poland.

Q. In the resistance movement you were the chief of a group of messengers?

A. Yes.

Q. In this capacity did you receive and pass on to leaders of the resistance movement-- did you give and pass on orders to them?

A. Yes, I had my own group and I directed this group.

Q. It was the aim of the resistance movement to remove the German rule in the general government and, therefore, you joined them, is that correct?

A. Yes.

Q. From your testimony which you gave yesterday it could not be clearly seen what kind--how the trial was conducted to which you were subjected. Was it in that case a so-called court martial in the general government?

A. No.

Q. You stated yesterday that already on the 1st of August 1941 operations were taking place. Are you quite sure of that? Are you quite sure that you can exactly remember that date?

A. The operations started to be performed in the concentration camp Ravensbruck on 1st August 1942 because I was arrested in 1941.

Q. That is not in 1941 but in 1942.

A. Yes.

Q. You have testified yesterday that several experimental

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subjects were operated on on several occasions. As a result of the previous operations did they have high fever and severe pains?

A. I was told by them that they had all great pains and high fever.

Q Witness, you further testified yesterday that the experimental subjects were other prisoners in this block. Were all the people residing in this block members of the resistance movement?

A I don't know.

Q How many women of the resistance movement were all together located in this block?

A I don't know.

Q Up until 1943, you have made some very general statements. Do you know why these operations were carried out in the bunker and not in a well furnished operating room and who carried them out?

A The operations were carried out in the bunker because this was that kind of furnishings and I don't know by whom they were performed.

Q You also stated yesterday that it was a general conviction in the camp that the members of the resistance movement would not return to Poland any more and would not be able to leave the camp alive; was this view also expressed by members of the camp administration?

A Yes, it was said by Sins.

Q You also stated yesterday that women were being transported to Lublin; these women who had been transferred to Lublin, were they also members of the resistance movement.

A I did not say yesterday that transports of prisoners were sent to Lublin.

Q Then, I must have misunderstood the testimony of the witness. On the 23rd of April, 1945, you had left the camp; was this done under the auspices of the Swedish Red Cross?

A No.

Q I do not have any further questions.

BY ATTORNEY FLANNING FOR THE DEFENDANT KRUGOWSKY:

Q Witness, you stated that the operations in the Ravensbrueck Camp began on August 1, 1943?

A Yes.

Q Do you mean by that the operations on women?

A Yes.

Q Do you know that before operations were being carried out on women that operations were also carried out on men?

A I did not hear it.

Q I thank you very much.

THE PRESIDENT: Is there any further cross examination for this witness on the part of the Defense Counsel? If not, the prosecution may proceed.

RE-DIRECT EXAMINATION

BY MR. MC HALEY:

Q Witness, were you ever asked to sign a paper in Ravensbrueck, which would show that your injuries to your leg had occurred for reasons other than the operation, which you have described to this Tribunal?

A I did not sign a paper, but I was warned and told by Commander Tuckring, who wanted me to sign such a paper. The contents of this paper was as follows: "The undersigned, Marie Broal-Plater, certifies that the scars, which I have on my legs, were caused by an accident at work."

I have no further questions to direct to the witness. I would like at this time, if there is no further cross-examination, to call Dr. Alexander to the stand and have him give his expert medical report on this witness.

THE PRESIDENT: Is there any further cross-examination of this witness on the part of any defense counsel? There being none, you may proceed.

BY THE PRESIDENT:

Q The witness will state his name?

A Leo Alexander.

Q Will you repeat this oath after me:

I swear that the evidence I shall give shall be the truth, the whole truth and nothing but the truth, so help me God.

(The witness repeated the oath.)

THE PRESIDENT: You may sit down.

DIRECT EXAMINATION

BY MR. MC HARDY:

Q You name is Leo Alexander?

A Yes.

Q When and where were you born?

A I was born October 11th, 1905, in Vienna, Austria.

Q Are you a citizen of the United States?

A I have been a citizen of the United States since 1938.

Q Have you studied and practised medicine?

A I have studied and practised medicine from 1922 to 1934 and
practised since then.

Q What is your present occupation.

A My present occupation is that of consulting Neurologist and
Psychiatrist in the city of Boston. At the same time I am practising
as a research specialist in Boston State Hospital. I am also on the
staff of various other private and public hospitals in Boston and its
vicinity.

Q Are you now acting as a special consultant to the Secretary of
War?

A I have now been appointed special expert consultant to the
Secretary of War.

Q Doctor, in answering my questions, will you please pause for
a few moments so that the interpreter can interpret the answers into
German?

A Yes sir.

Q I would like to put a series of questions to you concerning your
education and medical experience. Did you receive your A.B. degree in
Vienna, Austria in June of 1923?

A Yes sir.

Q And from 1923 to 1929 did you study medicine at the University
of Vienna Medicine School at Vienna, Austria?

A Yes, sir.

Q And from 1927 to 1928 did you intern in the Second Department
of Medicine at the University of Vienna Hospitals.

A Yes, sir.

Q. Did you receive your M.D. degree from the University of Vienna Medical School in July, 1929?

A. Yes sir.

Q. And from 1929 to 1931 did you intern in neuropsychiatry at the Neuropsychiatric Department of the University Hospital, Frankfurt?

A. Yes sir.

Q. And from 1931 to 1932 were you a resident in neuropsychiatry, the Neuropsychiatric Department of the University Hospital in Frankfurt?

A. Yes sir.

Q. Were you a lecturer in psychiatry and neurology at Peiping Union Medical Hospital, Peiping, China in 1933?

A. Yes sir.

Q. And from January, 1934 to October, 1934, a clinical assistant at the Worcester State Hospital, Worcester, Massachusetts?

A. Yes sir.

Q. And from 1934 to 1941 an instructor in neurology at the Harvard Medical School?

A. Yes sir.

Q. And over the same period were you a neuro-pathologist at the Boston City Hospital?

A. Yes sir.

Q. From 1935 to 1941 a research associate at the Boston State Hospital, Boston, Massachusetts?

A. Yes sir.

Q. And have you also practiced in other hospitals in Boston?

A. Yes sir.

Q. Are you now a member of the editorial board of the Journal of Neuropathology and Experimental Neurology?

A. Yes sir.

Q. And were you, from 1941 to 1942, an associate professor of neuropsychiatry at Duke University Medical School, Durham, North Carolina?

A. Yes sir.

Q. Have you been on leave of absence from Duke since that time?

A. Until my resignation in January, '46.

Q. Were you, from July 1942 to January, 1946, in the Medical Corps of the United States Army?

A. Yes sir.

Q. What rank did you attain, Doctor?

A. Major, and later appointed Lieutenant Colonel in the Officers Reserve Corps, United States Army.

Q. Did you serve as chief of the section of neuropsychiatry, 65th General Hospital from July, 1942 until May, 1945?

A. Yes sir.

Q. And that was the United States Army General Hospital which served the Eighth Air Force in England?

A. Yes sir.

Q. And were you on detached service with a G-2 Specialist Task Force, Sixth Army Group, in the American occupied zones of Germany on special orders from Supreme Headquarters, Allied Expeditionary Forces from May, 1945 until September, 1945?

A. Yes sir.

Q. You state you resigned from Duke University in January, 1946?

A. Yes sir.

Q. What have you done since that date?

A. I have returned to practice of neurology and psychiatry in Boston, and I have taken over the positions mentioned at the outset of my testimony; namely, those of Associate

Director of Research at the Boston State Hospital; Consulting Neurologist and Psychiatrist to the Washingtonian Hospital, and various other public and private hospitals in Boston and vicinity.

Q. Now, Doctor, are you a member of a number of medical associations?

A. Yes sir. I am also a Diplomat and former Examiner on the American Board of Psychiatry and Neurology.

Q. Could you name just a few of these medical societies of which you are a member?

A. American Medical Association, American Neurological Association, American Association of Neuropathologists, American Association of Psychopathologists, Association for Research in Nervous and Mental Disease, Harvey Cushing Society, American Association of Pathologists and Bacteriologists, Boston Society of Psychiatry and Neurology, New England Psychiatric Association, and a number of others.

Q. Thank you. Now, Doctor, what experience have you had with medical legal work, if any?

A. Considerable, both in civilian practice, in university teaching, and in military practice.

Q. Could you describe that experience in just a bit more detail?

A. It consists in serving as an expert to courts, both civilian courts and military courts and teaching methods and principles of examination and testimony to medical students.

Q. What experience have you had with cases of trauma or injury with or without subsequent infection?

A. Considerable, especially during my time at the Boston City Hospital and in the Army.

Q. What experience have you had with the reading of X-rays?

A. Likewise a great deal. I served among others as examiner in X-rays of the skull, spine and nervous system on the American Board of Neurology and Psychiatry.

Q. Now, Doctor, I will ask you if you have made a physical examination of Maria Broel-Plator, the woman seated to your right?

A. I have.

Q. And were X-rays of the legs of this woman made under your supervision?

A. Yes, at the 385th Station Hospital.

Q. Doctor, I am having handed to you Document NO-1088.

A. Yes sir.

Q. Will you please identify for the Tribunal what this document is?

A. This document is an X-ray and a print made thereof of the right leg of the witness, Miss Broel-Plator, which was made by Captain Wunderlich and his assistants at the 385th Station Hospital, and which I studied there with the Captain after these were dried and completed.

Q. And this X-ray was made under your supervision?

A. It was at my request and under my -- I would say --

Q. Under your direction?

A. Yes, at my direction. I have no supervisory function at the 385th Station Hospital, but I directed them what to take and told them what I wanted and what it was desired for.

Q. You watched them make it, did you?

A. I did not watch them make it, but I asked them to do it. When I returned to see it it was properly labeled, and I have no doubt that it actually, in effect, is the X-ray of Miss Broel-Plator's legs.

Q. And you identify it as such?

A. I identify it as such.

MR. MC HANEY: I would like to offer Document HQ-1088 as Prosecution Exhibit 210. If your Honors please, of course the original of this exhibit is in fact, the negative. However, I understand they are subject to the deterioration and I would therefore ask leave of the Court to submit, instead of the original, a print thereof.

THE PRESIDENT: That procedure may be followed.

BY MR. MC HANEY:

Q Now, Doctor, I would appreciate it if you would simply proceed to explain to the Court what you have done in examining this woman and what you have to report on your examination. I would appreciate it if you would do it in non-technical language insofar as possible and where technical words are necessary, I wish that you would please explain them to the Court as well as you can.

A I will, sir. My task could be facilitated by asking the witness, Miss Broel-Pleiter, to remove her shoes and stockings, if that pleases you and the Court.

Q And, Doctor, it might be well if she moved her chair around to her left.

A If she moved her chair here in front where one could see her, it would then appear —

Q Are you sure that chair is secure?

JUDGE SEBING: Doctor, suppose you just put the chair over to the side.

A There is a special reason for that, sir, because you will see here that the right leg, at the calf, is rotated inward and drops down to where you see that rotation. That is due to atrophy, the loss of what is known as —

BY MR. MC HANEY:

Q Now, just a minute, Doctor. You are not able to hear?

A I will stay here. This is due to loss of what is known as the peronei nerve, of the peronei nerve, nervous peroneous. The musculature of the right calf which is supplied by the peronei nerve is atrophic, as you will see here.

A. As you see here there are two deep scars, one six inches long over the lateral part of the right calf which you see here, deep, retracted, and hard, and also painful; another one four and a half inches long, lateral to the shin. There is a diminution of touch, pain and temperature sense in the distribution of the nervus cruris lateralis, which is the skin branch of the peronea. Thank you, Miss Brook-Plater.

The X-rays show as main finding, thickening and irregularity of the middle third of the shaft of the fibula. This has the appearance as a result of direct trauma to this area without fracture, including removal of muscular attachments.

Q. Doctor, can you show that particular area you are talking about on the print so the Tribunal may see it? Hold it up and turn it around so that they can see it.

A. On the print, it is here.

JUDGE SEBRING: Mark it, Doctor, with the letter "A".

A. The beginning; and the end.

Q. And how is it you described this area "A," Doctor?

A. As the area showing irregularity of the middle third, or you may call it the more than the upper part of the lower half of the shaft of the fibula.

Q. And what is that irregularity? Did you say it was a thickening of the bone?

A. Thickening, irregularity with thickening which could be --

THE PRESIDENT: Would you talk a little nearer the microphone?

A. Yes, which is due to trauma without complete fracture.

JUDGE SEBRING: Doctor, may I suggest that the microphone that stands at the Marshal's desk could also be brought over and you could stand on that side, and I should think then you would not have quite so much difficulty. There is a cord on it 40 feet long.

A. It is most likely due to the removal of the muscular attachments in this region of the peronea, the extensor hallucis longus, extensor digitorum longus, the long extensor of the toe, the flexor hallucis longus. They insert at the point of abnormality, and it is their function that is seriously impaired in this patient; hence it is probable that the trauma to which this

change is due consisted essentially to the removal or destruction of these muscles in this case.

Q What effect does this injury which you have described have upon the witness now to your right?

A It impairs her function of gait and stance, especially, she cannot stand and maintain herself on her toes and the right leg is not as useful as it would naturally otherwise be. It is essentially the picture of peroneal palsy which is due both to interference with the peroneal nerve which runs through the region in which this experiment was carried out as well as through necrosis or the removal of the muscles themselves. It is a combined picture of nerve and muscle loss.

Q Then you would say that there was injury to the bone, to the muscles and to the nerve?

A Yes. The thickening of the fibula at the pint shows that the periosteum in this region must have reacted to either trauma or the inflammatory process or in view of the exact location, to tearing off or sluffing off of the muscular attachments. At this point we see the effect of the scar without knowing exactly which of these three processes caused it. The exact correspondence to the muscular attachments suggests that the injury to the bone and periosteum in this case occurred because of the necrosis or the removal of these muscles.

Q Do you have any further findings to report, Doctor?

A No sir, except the one, that psychologically the patient is of excellent quality, a woman of first rate intelligence and ability as well as character.

MR. MC HALEY: I have no further questions, your Honor.

THE PRESIDENT: Does defense counsel have any questions to propound to this witness on cross examination? No examination? Then the witness may step down.

MR. MC HALEY: The Prosecution would like at this time to have the witness Karolewska called to the stand.

THE PRESIDENT: Did I understand you to say that the witness Kladi-
lawa Karolewska be called.

MR. MC HALEY: Yes.

THE PRESIDENT: Will the Marshal summon the witness Karolowska?

KLADISLAWA KAROLEWSKA, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. As the witness her name?

A. Karolewska.

Q. The witness will be sworn. Do you solemnly swear that the evidence which you shall give will be the truth, the whole truth and nothing but the truth, so help you God?

(The witness repeated the oath.)

THE PRESIDENT: Be seated.

DIRECT EXAMINATION

BY MR. MC HANEY:

Q. What is your name, please?

A. Karolewska.

Q. And that is spelled K-a-r-o-l-e-w-s-k-a?

A. Yes.

Q. Were you born on 15 March 1909 at Heroman?

A. I was born on 15th March 1909 in Heroman.

Q. You are a citizen of Poland?

A. Yes, I am a Polish citizen.

Q. And have you come here as a voluntary witness?

A. Yes, I came here as a voluntary witness.

Q. What is your home address?

A. Warsaw, Inzynierska Street, No. 9, flat number 25.

Q. Are you married?

A. No.

Q. Are your parents living?

A. No, my parents are dead.

Q Will you tell the Tribunal what education you have received?

A I finished elementary school and training school for teachers and I finished it in 1928.

Q And what did you do between 1928 and the beginning of the war in 1939?

A I worked as a teacher in a child's school in Grudenz.

Q And when did you leave that job?

A I finished my work in June 1939 and I went for my holidays.

Q And did you go back to this position after your holidays?

A No, I didn't come back because the war broke out and I stayed in Lublin.

Q And what did you do while you were in Lublin?

A I lived with my sister and I didn't work at all.

Q Were you a member of the Polish Resistance Movement?

A Yes, I was.

Q And what did you do in the Polish Resistance Movement?

A I was a messenger.

Q And were you ever arrested for your activity in the Resistance Movement?

A I was arrested on the 13th of February 1941 by the Gestapo.

Q Was your sister arrested with you?

A Two sisters and two brothers-in-law were arrested with me on the same day.

Q What happened to you after you were arrested?

A I was taken to the Gestapo.

Q And what did the Gestapo do with you?

A The first day the Gestapo took my personal data and sent me to the prison in Lublin.

Q And then what happened? Just go on and tell the complete story about what the Gestapo did with you and where you went?

A I stayed two weeks in the prison in Lublin and then I was taken again to the Gestapo. There I was interrogated and they wanted to force me to

confess what kind of work I used to do in the Resistance Movement. The Gestapo wanted me to give them the names of persons with whom I worked. I did not want to tell them the names and therefore I was beaten. I was beaten by one Gestapo man, with brief intervals, for a very long time. Then I was brought to a cell. Two days later at night I was taken again to the Gestapo for interrogation. There I was beaten again. I stayed in the Gestapo office one week and then I was brought again back into the prison in Lublin. I stayed in the prison till the 21st September 1941. Then I was transported with other prisoners to the concentration camp Ravensbrueck where I arrived on the 23rd September 1941.

Q Now, witness, before you continue, will you tell the Tribunal whether you were ever tried by any court for the crime of being a member of Resistance Movement?

A I was only interrogated by the Gestapo and I think that the sentence must have been passed not in my presence because no sentence have ever been read off to me.

Q All right. Will you tell the Tribunal what happened to you at Ravensbrueck?

A At Ravensbrueck our dresses were taken away from us and we received the regular prison dress. Then I was sent to the block and I stayed in quarantine for three weeks. After three weeks we were taken to work. The work was hard physical work. In the spring I was given other work and I was transferred to the work shop, which was called in German Betreib. The work done by me was there also very hard and I had to work one week in the daytime and the next at night. In the spring the living conditions in the camp grew worse and worse and hunger began to reign in the camp. The food portions were smaller. We were undernourished, very exhausted, and we had no strength to work. In the spring of the same year shoes and stockings were taken away from us and we had to walk barefoot. The gravel in the camp hurt our feet. The most tiring work was so-called "roll calls" where we had to stand several hours, sometimes even four hours. If a prisoner wanted to put a piece of

paper underneath her feet she was beaten and ill-treated in an inhuman way.

We had to stand on the roll call place at attention and we were not allowed to move our hips, because then we were supposed to pray and we were not allowed to pray.

Q Now, Witness, were you operated while you were in Ravensbruck concentration camp?

A Yes, I was.

Q When did that happen?

A On the 22nd July 1942, 75 prisoners from our transport that came from Lublin were called, summoned to the chief of the camp. We stood before the camp office, and present Egol, Mendel and one person which I later recognized Dr. Fischer. We were afterwards sent back to the block and we were told to wait for further instructions. On the 25th of July, all the women from the transport of Lublin were summoned by Mendel, who told us that we were not allowed to work outside of the camp. Also, five women from the transport that came from Warsaw were summoned with us at the same time. We were not allowed to work outside the camp. The next day 75 women were summoned again and we had to stand before the hospital in the camp. Present were Schiedlausk, Oberhauser, Rosenthal, Egol and the man in whom I recognized afterwards Dr. Fischer.

Q Now, Witness, do you see Oberhauser in the Defendants' dock here?

THE INTERPRETER: The witness ask for permission to go near the dock and to be able to see them.

MR. MC HALEY: Please do.

(Witness walking to dock and pointing to Dr. Oberhauser.)

MR. MC HALEY: And Fischer?

(Witness pointing to Dr. Fischer)

MR. MC HALEY: I will ask that the record show that the witness properly identified the Defendants Oberhauser and Fischer.

THE PRESIDENT: The record will show that the witness correctly identified the Defendants Oberhauser and Fischer.

I think at this time the Tribunal will take a recess for fifteen minutes.

(A recess was taken.)

THE MARSHAL: The Tribunal is now in session.

BY MR. MC HALEY:

Q Witness, you have told the Tribunal that in July 1942, some seventy-five Polish girls, who were in the transport from Lublin, were called before the camp doctors in Ravensbrueck?

A Yes.

Q Now, were any of these girls selected for an operation?

A On this day we did not know why we were called before the camp doctors and on the same day ten or twenty-five girls were taken to the hospital but we did not know why. Four of them came back and six stayed in the hospital. On the same day six of them came back to the block after having received some injection but we don't know what kind of injection. We did not know what kind of injection. On the 1st of August these six girls were called again to the hospital; these girls who received injections, they were kept in the hospital but we could not get in touch with them to hear from them why they were put in the hospital. A few days later, one of my comrades succeeded to get close to the hospital and learned from one of the prisoners that all were in bed and their legs were in casts. On the 14th of August, the same year, I was called to the hospital and my name was written on a piece of paper. I did not know why. Besides me, eight other girls were called to the hospital. We were called at a time when usually executions took place and I was going to be executed because before some girls were shot down. In the hospital we were put to bed and the hospital room in which we stayed was locked. We were not told what we were to do in the hospital and when one of my comrades put the question she got no answer but she was answered by an ironical smile. Then a German nurse arrived and gave me an injection in my leg. After this injection I vomitted and I was put on a hospital cot and they brought me to the operating room. There, Dr. Schidlowski and Rosenthal gave me the second intravenous injection in my arm. A while before, I noticed Dr. Fischer who went out of the operating room and had operating gloves on. Then I lost my consciousness

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and when I revived I noticed that I was in a regular hospital room. I
recovered my consciousness for a

while and I felt severe pain in my leg. Then I lost my consciousness again. I regained my consciousness in the morning and then I noticed that my leg was in a cast from the ankle up to the knee and I felt a very strong pain in this leg and the high temperature. I noticed also that my leg was swollen from the toes up to the groin. The pain was increasing and the temperature, too, and the next day I noticed that some liquid was flowing from my leg. The third day I was put on a hospital cart and taken to the dressing room. Then I saw Dr. Fischer again. He had an operating gown and rubber gloves on his hands. A blanket was put over my eyes and I did not know what was done with my leg but I felt great pain and I had the impression that something must have been cut out of my leg.

These present were: Schildauski, Rosenthal, and Oberhauser. After the changing of the dressing I was put again in the regular hospital room. Three days later I was again taken to the dressing room, and the dressing was changed by Dr. Fischer with the assistance of the same doctor, and I was blindfolded, too. I was then sent back to the regular hospital room. The next dressings were made by the camp doctors. Two weeks later we were all taken again to the operating room and put on the operating tables. The bandage was removed, and that was the first time I saw my leg. The incision went so deep that I could see the bone. We were told then that there was a doctor from Hohenlychen, Doctor Gebhardt, would come and examine us. We were waiting for his arrival for three hours lying on our tables. When he came a sheet was put over our eyes, but they removed the sheet and I saw him for a short moment. Then, we were taken again to our regular rooms. On the eight of September I was sent back to the block. I could not walk. The puss was draining from my leg; the leg was swollen up and I could not walk. In the block, I stayed in bed for one week; then I was called to the hospital again. I could not walk and I was carried by my comrades. In the hospital I met some of my comrades who were there after the operation. This time I was sure I was going to be executed because I saw an ambulance standing before the office which was used by the Germans to transport people intended for execution. Then, we were taken to the dressing room where Doctor Oberhauser and Doctor Schildauski examined our legs. We were put to bed again, and on the same day, in the afternoon, I was taken to the operating room and the second operation was performed on my leg. I was put to sleep in the same way as before, having received an injection. And, this time I saw again Doctor Fischer. I woke up in the regular hospital room and I felt a stronger pain and higher temperature.

The symptoms were the same. The leg was swollen and the puss flowed from my leg. After this operation, the dressings were changed by Dr. Fischer every three days. More than ten days afterwards we were taken again to the operating room, put on the table; and we were told that Dr. Gebhardt was going to come to examine our legs. We waited for a long time. Then he arrived and examined our legs while we were blindfolded. This time other people arrived with Dr. Gebhardt; but I don't know their names; and I don't remember their faces. Then we were carried on hospital cots back to our rooms. After this operation I felt still worse; and I could not move. While I was in the hospital, cruelty from Dr. Oberhauser was performed on me.

When I was in my room I made the remark to fellow prisoners that we were operated on in very bad conditions and left here in this room and that we were not given even the possibility to recover. This remark must have been heard by a German nurse who was sitting in the corridor because the door of our room leading to the corridor was opened. The German nurse entered the room and told us to get up and dress. We answered that we could not follow her order because we had great pains in our legs and we couldn't walk. Then the German nurse came with Dr. Oberhauser into our room. Dr. Oberhauser told us to dress and come to the dressing room. We put on our dresses; and, being unable to walk, we had to hop on one leg going into the operating room. After one hop we had to rest. Dr. Oberhauser did not allow anybody to help us. When we arrived at the operating room, quite exhausted, Dr. Oberhauser appeared and told us to go back because the change of dressing would not take place that day. I could not walk, but somebody, a prisoner (whose name I don't remember, helped me to come back to the room.

Q Witness, you have told the Tribunal that you were operated on the second time on the 16th of September, 1942? Is that right?

A Yes, I did.

Q When did you leave the hospital after this second operation?

A After the second operation I left the hospital on the 5th of Oct.

Q Was your leg healed at that time?

A My leg was swollen up; caused me great pain; and the pus drained from my leg.

Q Were you able to work?

A I was unable to work; and I had to stay in bed because I could not walk.

Q Do you remember when you got up out of bed and were able to walk?

A I stayed in bed several weeks; and then I got up and tried to walk.

Q How long was it until your leg was healed?

A The pus was flowing from my leg till June, 1943; and at that time my wound was healed.

Q Were you operated on again.

A Yes, I was operated on again in the Bunker.

Q In the Bunker? That is not in the hospital?

A Not in the hospital but in the Bunker.

Q Will you explain to the Tribunal how that happened?

A May I ask permission to tell something which happened in March, 1943, March or February 1943?

Q All right.

A At the end of February 1943, Dr. Oberhauser called us and said, "These girls are now guinea-pigs"; and we were very well known under this name in the camp. Then we understood that we were persons intended for experiments and we decided to protest against the performance of these operations on healthy people.

We drew up a protest in writing and we went to the camp commander. Not only those girls who had been operated on before but other girls who were called to the hospital came to the office. The operated on girls used crutches and they went without any help.

I would like to tell the contents of the petition made by us. We, the undersigned, Polish political prisoners, ask Herr Commander whether he knew that since the year 1942 in the camp hospital experimental operations have taken place under the name of guinea-pig (das sind Meerschweinchen), as

explaining the meaning of those operations. We ask whether we were operated on as a result of sentences passed on us because, as far as we know, the international law forbids the performance of operations even on political prisoners.

We did not get any answer; and we were not allowed to talk to the commander. On the 15th of August, 1943, a police woman came and read off the names of the ten new prisoners. She told us to follow her to the hospital. We refused to go to the hospital, as we thought that we were intended for a new operation. The police woman told us that we were going probably to be sent to the factory for work outside the camp. We wanted to make sure whether the Arbeitsamt was open because it was Sunday. The police woman told us that we had to go to the hospital and be examined by a doctor before we went to the factory.

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We refused to go then because we were sure that we will be kept in the hospital and operated on again. All prisoners in the camp were told to stay in the blocks. All of the women who lived in the same block where I was were told to leave the block and stand in line before the Block ten at a time. Then the Overseer Binz appeared and called out ten names and among them was my name. We went out of the line and stood before the tenth block in line. Then Binz said: "Why do you stand so in line as if you were to be executed?" We told her that operations were worse for us than executions and that we would prefer to be executed rather than to be operated on again. Binz told us that she might give us work, there was no question of our being operated on but we were going to be sent for work outside the camp. We told her that we must know that prisoners belonging to our group are not allowed to leave the camp and go outside the camp. Then she told us to follow her into her office, that she would show us a paper proving that we are going to be sent for work to the factory outside the camp. We followed her and we stood before her office. She entered her office for awhile and then went out and went to the canteen where the Camp Commander was. She had a conference with him probably asking him what to do with us. We stood before the office a half an hour. In the meantime one fellow-prisoner who used to work in the canteen walked by us. She told us that Binz asked for help from SS men to take us by force to the hospital. We stood for awhile and then Binz came out of the canteen accompanied by the Camp Commander. We stood for awhile near the camp gate. We were afraid that SS men would come to take us so we ran away and mixed with other people standing before the block. Then Binz and the camp police appeared. They drove us out from the lines by force. She told us that she put us

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into the bunker as punishment; that we did not follow her orders. In each cell were put five prisoners although one cell was intended only for one person. The cells were quite dark; without lights. He stayed in the bunker the whole night long and the next day. He slept on the floor because there was only one couch in the cell. The next day we were given a breakfast consisting of black coffee and a piece of dark bread. Then we were locked again in this dark room. We were only troubled by people walking in the corridor of the bunker. The answer was given us the same day in the afternoon. The watch-woman from the bunker unlocked our cell and got me out of the cell. I thought that I was then to be interrogated or beaten. They took me and they went down the corridor. She opened one door and behind the door stood SS man Dr. Trommel. He told me to follow him upstairs. Following Dr. Trommel I noticed there were other cells, and these cells were with bad clothing. He put me in one of the cells. Then he asked me whether I would agree to a small operation. I told him that I did not agree to it because I had undergone already two operations. He told me that this was going to be a very small operation and that it will not harm me. I told him that I was a political prisoner and that the operation cannot be performed on political prisoners without their consent.

He told me to lie down on the bed; I refused to do. He repeated it twice. Then he went out of the cell and I followed him. He went quickly downstairs and locked the door. Standing before the cell I noticed a cell on the opposite side of the staircase, and I also noticed some men in operating gowns. There was also one German nurse ready to give an injection. Near the staircase stood a stretcher. That made it clear to me that I was going to be operated on again in the bunker. I decided to defend myself to the last moment. In a moment Trommel came with two SS men. One of these SS men told me to enter the cell. I refused to do it, so he forced me into the cell and threw me on the bed.

Dr. Trommel took me by the left wrist and pulled my arm back. With his other hand he tried to gag me, putting a piece of rag into my mouth, because I shouted. The second SS man took my right hand and stretched it. Two other SS men held me by my feet. Immobilized, I felt that somebody was giving me an injection. I defended myself for a long time, but then I grew weaker. The injection had its effect; I felt sleepy. I heard Trommel saying, "Das ist fertig", that is all.

I regained consciousness again, but I don't know when. Then I noticed that a German nurse was taking off my dress, I then lost consciousness again; I regained it in the morning. Then I noticed that both my legs were in iron splints and were bandaged from the toes to the groin. I felt a strong pain in my feet, and a temperature.

In the afternoon of the same day a German nurse came and gave me an injection, in spite of my protests; she gave me this injection on my thigh and told me that she had to do it.

Four days after this operation a doctor from Hohenlychen arrived, again gave me an injection to put me to sleep, and as I protested he told me that he would change the dressing. I felt a higher temperature and stronger pain in my legs.

Q. Now, witness, when was it that you were removed from the bunker

after this operation?

A Ten days after the operation performed in the bunker I was taken — in the night-time — to the hospital.

Q Well, that must have been around the latter part of August, is that right; August 1943?

A Yes it was.

Q Now, was another operation performed on you in September 1943?

A About the 15th of September 1943 I was again taken to the operating room and a further operation was performed on my left leg.

Q No, in the operation in the bunker they operated on both legs, is that right?

A Yes in the bunker I was operated in both legs.

Q In the bunker operation, were your legs dirty the next morning after you woke up; that is, following the operation?

A When I woke up after the operation that I underwent in the bunker, I noticed that my feet were dirty, covered with mud, that they had not been washed before the operation.

Q Who performed this operation around the 15th of September 1943 in the camp hospital, do you know?

A The doctor from Hohenlychen arrived. I was taken to the operating room, I was given an injection, and an operation was performed on my left leg.

Q Do you know the name of the man who performed the operation?

A A German nurse told me that this was a doctor from Hohenlychen, assistant to the Chief doctor, whose name was Hartmann—Dr. Hartmann. However, I don't know whether he actually performed the operation.

Q Did the nurse tell you that Hartmann was assistant to Dr. Gohardt?

A She told me only that this was a doctor, an assistant, from Hohenlychen.

Q All right. Now, after this operation on your left leg the middle of September 1943, did they, several weeks later, operated on your right leg?

A Two weeks later a second operation was performed on my left leg although pus was draining from my former wound, and a piece of shin bone was removed.

Q Now, witness, I'm a little bit confused. I thought you said that on 15 September 1943 they operated again on your left leg. I asked you if two weeks later they performed an operation on your right leg.

A On 15 September 1943 my right leg was operated on, in spite of the wounds, and two weeks later my left leg was operated on.

Q Now, do you say, witness, that they removed a piece of shin bone from you legs in these operations.

A Yes, I do.

Q Now, how long were you in the hospital after these operations in September 1943?

A I stayed in the hospital six months. I was in bed. I could not stretch my legs. I could not move them. I could not walk either.

Q When were you removed from the hospital?

A At the end of February, 1944.

Q Were you able to walk then?

A I tried to walk at that time but couldn't walk.

Q What sort of work did you do then?

A When I arrived at the block I stayed in bed for a time and then I used to work knitting stockings.

Q Have you received any treatment to either of your legs since you were liberated from Ravensbrueck?

A No.

Q Do you still suffer any effects from these operations?

A I'm weak, I have no strength to work and my legs get swollen up very easily.

Q Witness, I am having handed to you two pictures. These are Documents Nos. 108 1A and 108 1B. Are these pictures taken of you here in Wurnberg?

A Yes, they were.

Q I submit these pictures as Prosecution Exhibit 211.

Now, witness, will you please remove the shoes and stockings from both of your legs. Now, will you step out from behind the witness box and let the Court see the scars on your legs.

(The witness complied.)

Now turn around once, please. Just turn around slowly. Thank you. Sit down now.

Were you ever asked to consent to any of these operations which you underwent at Ravensbrueck?

A Never.

Q How many times did you see Gebhardt?

A Twice.

Q I will ask you to step down and walk over to the defendants' dock and see whether or not you find the man Gebhardt in the dock.

(The witness complied and pointed to the Defendant Gebhardt.)

Thank you. Sit down.

I will ask that the record show that the witness properly identified the defendant Gebhardt.

THE PRESIDENT: The record will show that the witness identified the defendant Gebhardt in the dock.

MR. ME EADLY: I have no further questions at this time.

THE PRESIDENT: Will Dr. Alexander be again put on the stand in connection with the examination of the witness?

MR. ME EADLY: Yes, but if there is any cross-examination we can probably finish that before lunch.

THE PRESIDENT: Do any of the defense counsel desire to cross-examine this witness?

DR. SIEDEL (Counsel for the defendants Gebhardt, Oberhauser and Fischer):

I do not intend to cross-examine this witness but this does not mean that my clients admit the correctness of all statements made by this witness.

THE PRESIDENT: Does any other of the defense counsel desire to examine the witness?

(No response.)

MR. MC HALEY: Dr. Alexander can take the stand now. I don't know how long.

THE PRESIDENT: The Tribunal will now recess until 1:30.

(A recess was taken until 1330.)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, December 20th, 1946)

THE PRESIDENT: Military Tribunal 1 is now again in session. You will all arise.

MR. McNEELY: With the permission of the Tribunal, I would like to put four additional questions to this witness before calling Dr. Alexander to the stand again, if I may. Let's see. (peruse document)

MADISLAW KUROIE SKA (resumed)

MR. McNEELY:

Q Witness, to sum up: Is it true that you were operated upon six times while at the Concentration Camp Ravensbrück?

A I was six times operated on at the Concentration Camp at Ravensbrück.

Q Do you know, approximately, how many women were operated upon experimentally?

A Yes, I know. And I know in the exact figure. Seventy four.

Q Why?

A Yes, seventy four.

Q Do you know whether any of these women who were operated upon experimentally, died?

A Yes, five women who have said no to experimental operations, died.

Q And did they die as the result of these operations?

A Yes, they died after these operations.

Q Were you ever told, that you were condemned to death, because of your Polish resistance activities?

A I have never been told so; no; but I supposed that I was condemned because many of my comrades who arrived with me in the camp were sentenced to death.

Q Do you know what they were sentenced, was it by some Military Tribunal or Court?

A I don't know. I think they must have been condemned to death by



the Gostapo.

MR. McHANEY: I have no further questions. I would like, at this
time, if there is no cross-examination on these additional questions,
to call Dr. Alexander to the stand.

THE PRESIDENT: The Tribunal has a question to put to the witness.

BY THE PRESIDENT:

Q Do you know the nationality of those women who died as a result
of these operations or any of them?

A These women were of Polish nationality, and came with the same
transport together with me.

THE PRESIDENT: Has the Defense any cross-examination of this
witness, in connection with the questions that were propounded to her?

(No response)

THE PRESIDENT: There being no questions, the Prosecution may
proceed. Call Dr. Alexander.

Dr. ALEXANDER (resumed)

DIRECT EXAMINATION

MR. McHANEY:

Dr. ALEXANDER: With the permission of the Court —

MR. McHANEY: — Just a moment, Doctor. I think the record should
show that this is the same Dr. Alexander that testified this morning,
and that he is still under oath.

THE PRESIDENT: The record will show that the witness who is now
on the stand is the same Dr. Alexander who testified this morning.

(Addressing the witness) Doctor, you are still under oath.

THE WITNESS: Yes, sir.

MR. McHANEY:

Q Doctor, did you conduct a physical examination of the witness
Margaret?

A Yes, sir.

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tibia —

THE PRESIDENT: --(addressing Dr. Alexander) -- will you speak more slowly so that the interpreters can get it?

DR. ALEXANDER: (The witness) Yes, sir.

(Continuing.) Both of these anterior scars, over either leg, are deep, retracted, and involve the bone, which feels retracted underneath the scar, a ray of unevenness, under the scars, over which the unevenness of the bone can be felt. Both of these scars feel warm to the palpating finger of the examiner. The terminating part of the scar, which is higher, feels warmer, indicating an increased circulation in the region. The scar over the left leg, involving the medial part of the tibia, is five inches long and is obviously the residue of the same experiment. The scar over the right leg, is also five inches long, and 3/8th of an inch wide. There are two or three scars, laterally adjacent to this left scar, which can no longer be seen very clearly. The main scar to the right is symmetric; both of these scars are symmetric to each other. Both involve the inner part of the medial line of the tibia; not the anterior; the crest of the tibia, that is, the inner or medial aspect of the tibia, which is involved.

Both of these scars involve the medial part, which means the inner part of the tibia. The crest of the tibia is not involved in the scar. The crest of the anterior part of the tibia is not involved. Both of these scars are the result of the experimentations. The lower scar on the leg, on the left, is five inches above the ankle. That is, five inches. That on the right, four and one half inches above the ankle. Examination of the X-Rays confirm this impression.

Both the X-rays of both legs show an area of irregularity measuring 6 centimeters in length involving the lower part of the upper half of the tibia. The X-rays show the following: At this area which in the Exhibit I have marked A, you can see that the margin of the tibial bone is not sharp but fluffy. Q. A. J. L. J. Doctor, this is Document NO-1089 to which you are referring, is it not?

A. J. L. J. Yes, Document Number NO-1089. This fluffy edge of the bone, indicating that the outer compact lamella of the bone has been removed or is absent, shows decalcification to a depth of about 4 millimeters. I have marked this area with a B, outer decalcified part of the tibiae surrounded by line and marked B. You see the color is lighter there and in the negative X-ray it is less white. Underneath that you see an area marked C which goes inward to half the thickness of the tibial bone where there is an increased density, white in the X-ray negative, black in the photograph, marked C, which indicates sclerosis of the spongy part of the bone. This entire picture indicates that a bone graft has been removed from this region. Therefore the outer delineation of the bone has become indistinct. The outer marginal part of the bone is decalcified while underneath the decalcified part an area of sclerosis has developed.

JUDGE SERRINO: Doctor, are you conversant with the German language?

A. J. L. J. Yes, Sir.

JUDGE SERRINO: I wonder if we could save time if you were to make your next explanation in English and then make it in German for the benefit of...

A. J. L. J. Very well. Shall I repeat the description of the X-rays?

JUDGE SERRINO: Just as to the description of the X-rays.

A. J. L. J. In German, yes. (Dr. Alexander repeats the description in German.)

JUDGE SERRINO: Doctor, you have repeated in German the same description of the X-rays that you previously gave in English?

A. J. L. J. In free translation, not verbatim. In conclusion, (additional description in German). I repeat this in English—this indicates removal of a bone graft ascertained by the fact that no compact outer zone has been substituted. Instead of that a sclerosis underneath a decalcified outer part has

formed. The other X-ray, marked as Document No. NO-1090, which is taken from lateral plane, from the sides, does not show the bone defect, indicating that the defect is limited to the medial aspect of the bone.

Q. CHAIRMAN: Doctor, as a result of your examination can you make any report about the character of this woman, her psychology, osteostera?

A. DR. ALEXANDER: Miss Karolewska is a very able woman, of superior intelligence, who speaks fluent French, who is very well informed, has a very clear manner of expression, and impresses one as a woman of outstanding stamina and personality assets—in every way a highly useful citizen, both in peace and in a soldier in time of war. She impresses me as the type of person who is naturally destined to leadership in any community, civilian as well as military.

Q. CHAIRMAN: I think I have no further questions to put to Dr. Alexander.

A. DR. ALEXANDER: I would like to say she is a school teacher by occupation.

Q. CHAIRMAN: I think that the witness, Karolewska, can step down from the stand at this point.

Q. MR. STIRLING: Dr. Alexander, what is your prognosis of this condition?

A. DR. ALEXANDER: There is one thing, of course, the stability of her tibiae is interfered with; a certain amount of bone marrow has been lost and because the bone marrow being the place where red blood cells are manufactured and hematopoiesis are taking place, any loss of bone marrow is, of course, a health handicap. In addition she has pain in relation to the scars where the sensitive, spongy inner bone has come very close to the skin. We know there is very rich in nerve supply, hence a certain amount of pain has to be reckoned with. At present her blood count is normal and her blood picture, apart from her very minor irregularity such as 6 eosinophiles, has remained normal.

Q. CHAIRMAN: Doctor, can you express any opinion as to the purpose of the operation to which she was subject, that is the bone removal?

A. DR. ALEXANDER: I think it must have been one of the experiments which aimed at the question of regeneration of bone or possible transplantation of bone. I am sure that this tibial graft was either implanted in another person or that the bone had been exchanged which of course today, 3 years after the ex-

periment, no trace of transplantation is left in this individual. Or if the object was, such as alleged in some statements I have seen, that tibial grafts were exchanged between the two legs, one must conclude that the experiment was negative because there is no evidence that a graft took. All we see now are the consequences of removal of a graft, and the graft had included the entire compact part of the bone, otherwise the repair would have been better. If some part of the compact had remained, the periosteum would have probably regenerated and today, 3 years after the operation, no X-ray would have shown the defect. So I feel that either deep grafts were taken which went down into the spongiosa, whether anything was replaced that later was destroyed, I do not know, except the patient stated that there was a purulent discharge, indicating that the wound had become infected, and her statement of a subsequent operation, in fact, if I am not mistaken, 2 subsequent operations, indicates the probability that the graft did not take and that they were removed after infection had become obvious.

MR. McHANEY: I have no further questions.

THE PRESIDENT: Does any Counsel for the Defense desire to cross-examine Dr. Alexander in regards to his testimony for this witness?

No such desire being indicated, the Doctor may stand down.

MR. McHANEY: I think that this witness, Karolewska, can be excused at this time.

THE PRESIDENT: There being no further questions to be propounded to this witness, Karolewska, the witness may leave the stand.

(Witness excused)

MR. McHANEY: The Prosecution requests that the witness Jadwiga Daido be called to the stand.

THE PRESIDENT: The Prosecution will call the witness, Jadwiga Daido. The interpreter having already been sworn, I will administer the oath to the witness.

I solemnly swear that the evidence I shall give shall be the truth, the whole truth and nothing but the truth, so help me God.

(The witness repeated the oath through the Interpreter)

THE PRESIDENT: The witness will be seated.

DIRECT EXAMINATION

BY MR. McHANEY: (Through the Interpreter)

1. Witness, what is your full name?

A. Jadwiga Daido.

2. Do you spell that J-a-d-w-i-g-a, last name spelled D-a-i-d-o?

A. Yes.

3. Witness, you were born on the 25th of January, 1918?

A. Yes.

4. You are a citizen of Poland?

A. Yes.

1. Have you come here to Hamburg voluntarily to testify?

A. Yes.

2. Would you kindly tell the Tribunal your present home address?

A. Warsaw, Garnoslenska 14.

3. Witness, are you married?

A. No.

4. Are your parents living?

A. No.

5. What education have you received?

A. I have finished the elementary school and gymnasium in Warsaw. I started -- in 1937 I started studying Pharmacology at the University in Warsaw.

6. Did you graduate from the University in Warsaw?

A. No.

7. What did you do after you had finished school in the University of Warsaw?

A. I started studying Pharmacology at the University, but when I was studying the second year, the war broke out.

8. What did you do after the war broke out.

A. In 1939 I was working in a Pharmacy during the war.

9. Were you a member of the Resistance Movement?

A In the Autumn of 1944 I entered the Resistance Underground.

Q What did you do in the Resistance Movement?

A I was a messenger.

Q Then were you later captured by the Gestapo and placed under arrest?

A I was arrested by Gestapo on the 28th of March 1941.

Q What happened to you after your arrest by the Gestapo?

A I was interrogated by Gestapo in Lublin, Lukow, Radzin, Lukow, Lublin, Radzin.

Q And what happened after that?

A In Lublin I was beaten while being naked.

Q Did you then receive any further treatment from the Gestapo, or were you released?

A I stayed in Lublin six weeks in the Underground of the Lublin of Gestapo.

Q Then were you sent to the Ravensbrueck Concentration Camp?

A On the twenty-third of September, 1941, I was transported to the concentration camp, Ravensbrueck.

Q Were you told why you were sent to the concentration camp in Ravensbrueck?

A No, I was not told.

Q Were you ever given a trial in any German court?

A Never.

Q Were you sent to Ravensbrueck Concentration Camp?

A All prisoners who were in the prison at Lublin were sent there, and I went with them.

Q Now will you tell the Court, Miss Guido, in your own words what happened to you after you arrived at Ravensbrueck?

A When I arrived in the concentration camp Ravensbrueck, I thought that I would be able to stay there till the end of the war. The life conditions at Ravensbrueck -- in the prison were such that we could not live any longer there. In the camp we had to work, but in the camp it

nurse came, shaved my legs and gave me something to drink. When I asked her what she was going to do with me she didn't give me any answer. In the afternoon I was taken on a small hospital car to the operating room. I must have been very exhausted and tired and that's why I don't remember whether I had got an injection or whether a mask was put on my face. I didn't see the operating room.

When I came back I remember that I had no wound on my leg, but a trace of a sting. Since that time I don't remember anything till January. I learned from my comrades who lived in the same room that my leg had been operated on. I remember what was going on in January, and I know that the dressings had been changed several times.

Q Witness, do you know who performed the operation upon your leg?

A I don't know.

Q Now, you say that you had dressings changed. Who changed the dressings on your leg?

A The dressings were changed by Dr. Oberhauser, Rosenthal and Mr. Laski.

Q Did you suffer a great deal while these dressings were being changed?

A Yes, very much.

Q Witness, will you step down from the witness box and walk over to the Defendants' dock and see if you can recognize anyone in that dock as being at Minskuck concentration camp during the period and during the time that you were operated on?

A (Witness points).

Q Will you point to the person again that you recognized, Witness?

A (Witness points.)

Q And who is that, Witness?

A Dr. Oberhauser.

CH. CLERK: May we request that the record so show that the

Witness has identified the Defendant Oberhauser?

THE PRESIDENT: The record will so show.

Q Do you recognize anyone else in that dock, Witness?

A Yes.

Q Let out who else you recognize, Witness?

A (Witness points)

Q Who is that, Witness?

A This man I saw only once in the camp.

Q Do you know who that man is, Witness?

A I know.

Q Who is that man, Witness?

A Dr. Fischer.

MR. HADY: All the record so show that the witness has properly identified the Defendant Fischer as being at the Ravensbrück concentration camp?

THE PRESIDENT: The record will so show.

Q Witness, do you have any other details to tell the Tribunal regarding your operation?

A (No answer).

Q Witness, how many times were you operated on?

A Once.

Q When Dr. Oberhauser attended you, was she gentle in her treatment toward you?

A She was not bad.

Q Witness, have you ever heard of a person named Bink in the Ravensbrück concentration camp?

A I know her very well.

Q Do you remember what time your friends were called to be operated on in August, of 1943?

A Yes.

Q Will you kindly tell the Tribunal some of the details there and names of the persons who were to be operated on?

A In the spring of 1943 the operations were stopped. We thought that we could live like that till the end of the war. On the 15th of August a policeman came and called ten girls. When she was asked what for, she answered that we were going to be sent to work. We know very well that all prisoners belonging to our transport were not allowed to work outside the camp. The chief of the block where we were living was forbidden under capital punishment to let us outside the camp. That's why we know that it was not true. He didn't want to let our comrades out of the block. The policeman came, and the assistants, the overseers and with him. We were driven out of the block into the street. We stood there in line for a time and him herself read off the names of ten girls. When they refused to go because they were afraid of a new operation and were not willing to undergo a new operation, she herself gave her word of honor that it was not to be an operation and she told them to follow her.

We remained standing before the block. Then several minutes later our comrades ran to us and told us that SS men have been called for in order to surround them. The camp police arrived and drove out our comrades out of the line. We were locked in the block. The shutter were closed. We were three days without any food and without any fresh air. We were not given parcels that arrived at that time at the camp. The first day the camp commandant and him came and made a speech. The camp commandant said that there has never been a revolt in the camp and that this revolt must be punished. She believed that we would correct ourselves and that we will never repeat it. If it is going to happen once again, she has SS people with weapons. My comrade who knew German answered that we were not revolting, that we didn't want to be executed because five of us died after the operation and because six had been shot down after having suffered so much. Then him replied: "Death is victory. You must suffer for it and you will never get of it." Three days later we learned that our comrades had been killed in the bunker.

Q Now, witness, how many women, approximately, were operated on at Ravensbrueck?

A At Ravensbrueck were operated 74 women. Many of them had undergone many operations.

Q Now, you have told us that five died as a result of the operations, is that correct?

A Yes.

Q And another six were shot down after the operation, is that correct?

A Yes.

Q Do you know why those other six were shot, witness?

A I don't know.

Q Witness, were any of these victims asked to volunteer for those operations?

A No.

Q Were any of them promised freedom if they would submit to operations?

A No.

Q Did you, when you were operated on, if you object?

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A. I could not.

Q. Why not?

A. I was not allowed to talk and our question were not answered.

Q. Do you still suffer any effects as a result of the operation, witness?

A. Yes.

Q. Were you ever asked to sign any papers with respect to the operation?

A. Never.

Q. When did you finally leave Ravensbrueck?

A. On the 27th of April, 1945.

Q. Have you ever received any treatment since you have left Ravensbrueck in the last year?

A. Yes.

Q. Tell us what treatment you have received.

A. Dr. Gruzni in Warsaw transplanted tendons on my leg.

Q. When did he do that?

A. On the 25th of September 1945.

Q. Do you have to wear any special shoes, now, witness?

A. Yes, I must wear them, but I can't afford to buy them.

Q. What are you now doing, witness? Are you working now, or what is your occupation?

A. I am now continuing my studies which I started before the war.

Q. I see. I will ask the witness to identify these pictures.

MR. HARDY: This is Document number NO-1082, a, b, and c. I will pass these up to the Tribunal for your perusal.

BY MR. HARDY:

Q. Were these photographs taken of you in Nurnberg in the last day or two, witness?

A. Yes.

Q. Witness, would you kindly take your stocking and shoe off your right leg, please, and step out to the side and show the Tribunal the results of the operations at Ravensbrueck? (Witness complies.)

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That's all, witness, you may sit down.

MR. HARDY: I have no further question an direct examination, Your Honor.

THE PRESIDENT: Is there any defense counsel who desires to cross examine this witness?

DR. SAIDL (counsel for defendants Gebhardt, Oberhauser and Fischer): I do not want to cross examine the witness; however, I do not want to confirm that my client admit all the statement which have been made by the witness.

THE PRESIDENT: The Tribunal will now be in recess for a few minutes.

(A recess was taken)

THE PRESIDENT: The Tribunal is again in session.

MR. HARRY: If there is no cross examination of this witness by the defense counsel, I propose now to call Dr. Alexander to the witness stand.

THE PRESIDENT: I understood before we recessed there was no cross examination of this witness by defense counsel. Is that correct? Proceed.

DR. LEO ALEXANDER, a witness, was recalled to the stand and testified as follows:

THE PRESIDENT: Dr. Alexander is reminded that he is still under oath as a witness in this Court.

DR. ALEXANDER: (Addressing Jadwiga Daido). Please take off both shoes and both stockings, if you will.

(The witness removed her shoes and stockings.)

EXHIBIT EXAMINATION—Continued

BY MR. HARRY:

Q. Dr. Alexander, have you examined Miss Daido before today?

A. Yes, sir, I did, on several occasions and during the last three days.

Q. During your examination, did you have x-rays made of the patient's

A. I did, sir.

MR. HARRY: At this time I will introduce document No. NO-1091 which is the report of the witness, Miss Daido. We will pass two copies to the Tribunal and one copy for the Secretary General.

BY MR. HARRY:

Q. Dr. Alexander, in the course of your diagnosis of these x-rays, will you briefly diagnose this x-ray in English and then repeat in German for the benefit of the defendants?

A. Yes, sir.

Q. Doctor, will you identify that x-ray which carried No. NO-1091?

A. Yes. This is the x-ray which included the lower two-thirds of the thigh bone, the femur and the knee joint, and ---

MR. HARRY: I offer this x-ray as Prosecution Exhibit No. 215.

BY MR. BERRY:

Q. Do you have any further explanation of this x-ray, Doctor?

A. Yes, sir. I would like to tie it in, if it is agreeable to you, with the examination.

Q. All right, sir.

A. The most remarkable finding in Miss Daido's case is at first marked in the right leg, including thigh, leg and foot. Will you please stand up, Miss Daido. (The witness stood). And will you gradually slowly turn around? You can compare here the two legs and you notice the marked atrophy. You see the size of this bone, of this leg, as compared to the other. This atrophy is prominently on the calf but also includes the lower part of the thigh. Here, the thigh (indicating) is compared with the other side. The atrophy of the thigh is due to the fact that the lateral flexor group, including the musculus biceps, is absent which leaves the lateral epicondylus and the lateral prominence of the tibia without the tendinous insertion. You see this tendon here, strong tendon is absent on this side. The lower part of the leg, including the malleolar region and the dorsum of the foot show marked atrophy, indicating interference with the circulation of the leg, leading up to loss of blood vessels. (The witness now faced the judges). The malleoli of the right foot, including the toes, are likewise atrophied. The right leg is furthermore disfigured by two ugly scars, one here (indicating).

Q. All right, Doctor, for the sake of the record.

A. Yes, sir. (Indicating).

Q. All right, I know, but it must go into the record.

A. All right. Take the lateral one and the medial one. The lateral one is three inches above the knee, above the lateral epicondylus of the femur and on the lateral part of the calf until two inches above the lateral malleolus. This scar is sixteen inches long. The width of this scar goes from one-eighth inch to one-half inch. The lower part of this scar still indicates a suppurative discharge, indicating the presence of an abscess. The medial scar is half inches medially to this scar and parallel to it

is an equally "left" one measuring seven inches in length and partly three-quarters of an inch in width. There are four small recent neat scars indicative of having healed by first intention over the right foot and ankle. These are incidental to transplantation of tendons to correct a foot drop. It is referred to as "Miles" (?) which was carried out by Dr. Gross. There are a number of neurological disturbances in this location. The dorsiflexion of the foot is abolished.

(Addressing Miss Davis). "Could you try to lift up your foot like this? (Indicates). Although they are present, in view of the tendon repair, there is no longer any foot drop but the patient cannot lift the foot off the ground to any significant extent. The gait is disturbed by this loss of dorsiflexion of the right foot and lateral rotation of the right foot is likewise abolished.

(Addressing Miss Davis). Will you please try to do this, put the foot inward and outward. There is very little lateral rotation possible.

(Addressing Miss Davis). Would you like to walk first? Would it be desired to have the patient walk?

You notice that during the gait the toes of the right foot remain planted to the ground because of the inadequacy of the lifting movement of the foot which is accomplished by the peroneal nerves. These findings indicate paralysis, or loss rather, in this case of the peroneal nerve. The right knee joint is diminished and the right ankle jerk is absent. Here you get a very good knee jerk on this side a less active one. You see here very marked atrophy because of the loss of the whole flexor musculature. There is a good ankle jerk here. I never was able to retain one on the right. Sensory examination showed an anesthesia for fine touch on the dorsum of the right foot, which means the back of the foot. The pressure is felt.

The lower two-thirds of the antero-lateral aspect of the right leg, as well as that part of the lateral and posterior aspect of the

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Thank you very much.

Q. Now, Doctor, I will give you all these x-rays together. There will be an addition to the one that he has, NO 1092, NO 1093 and NO 1094. Would you kindly identify these three x-rays first, Doctor, so that we can offer them as exhibits?

A. Yes. In 1092 is the x-ray of the leg, including the tibia and fibula.

MR. HADY: That is offered at this time as Prosecution Exhibit No. 216.

MR. ALEXANDER: In 1093 is an x-ray of the right foot.

MR. HADY: That is offered as Prosecution Exhibit No. 217.

MR. ALEXANDER: And in 1094 is another x-ray of the right foot, with particular attention to the metatarsal bones.

MR. HADY: Document No. 1094 is offered as Prosecution Exhibit No. 218.

BY MR. HADY:

A. Proceed, Doctor.

A. The first of the x-rays, the picture of the femur, shows marked osteoporosis of the lateral epicondylus. This is due to the fact of the removal of muscle and tendon attachments. It is an osteoporosis of disuse because the normal pull of the tendon has been removed from this epicondylus. The epicondylus is the big prominence of the thigh bone adjacent to the knee joint where the large flexor muscles insert normally. Where that insertion has been abolished here, leaving the epicondylus without soft major tendons. This osteoporosis is the obvious result of that, and marked osteoporotic prominence with an arrow in this picture.

Q. Doctor, this x-ray you are referring to now is No. 1092?

A. This is No. 1091. The arrow points to the osteoporotic atrophy of the tibia. Number 1092 is the x-ray of the leg. It shows the fibula which is the smaller of the two larger bones of the leg, about in the middle between the two just mentioned under the bracket called "B". On the side, looking toward the tibia, is the osteoperiostitis of the periosteum. This group of areas are particularly severe in the smaller area which I have marked with the bracket "C" indicates a smaller area of the shaft of the tibia within the larger area of the disturbance marked as "B". This alteration is indicated by a group of ordinary inactive Coxa, which in view of the osteoperiostitis of the periosteum was probably an osteomyelitis process. However, there is no active osteomyelitis at the present examination of the right foot. In figures 1093 and 1094, it shows arthritic changes of the cuneiform navicular joints with narrowing of the joint spaces and increased marginal sclerosis. This is shown in the x-ray with an arrow pointing to the joint. The same is shown in the same. The prints have come out too dark, but it shows the condition clearly in the film.

This condition is due to the immobilization of the right foot. Secondary to the immobilization and especially the paralysis of the peroneal nerve. It is a typical arthritis of an immobilization nature which one sees also by immobilization of the patient's foot.

Q. Doctor, can you determine from your examination —

A. (Figure 1094, same I mentioned it shows the same as 1093 in slightly different exposure. The marks are the same pointing to the most affected area of the cuneiform navicular joints.

Q. Doctor, in your opinion, from your examination of this patient can you determine that was the purpose of the experiment?

A. To prove that in this experiment a highly infectious agent was used, without the addition of a bacteria static agent such as penicillin. That reason the infection got out of hand and became severe.

Q. Doctor, it is highly possible this patient could have been one of the control groups?

A Yes, probably one of the control group. The two previous patients both mentioned white powder which has been used in their wounds, which was probably one of the sulfanilamides, and while this patient as well as the subsequent patient, know of no use of the white powder. Therefore, I assume that they may be of the control group. They have been injected or implanted with the bacteria culture without the subsequent use of sulfanilamide. From the general appearance, it is suggestive of a Streptococcus in this case. The way it is spread makes it likely, and the fact that the spread is mostly lengthwise.

Q Could you say, Doctor, the reason for the spread in this case was because of the lack of treatment, whereas the other patients had been treated after being operated on, is that correct?

A Presumably. The other patients were given sulfanilamide in the wound's dressing after the wound was made; presumably to test the efficiency of the use of sulfanilamide on the battle field such as we started to use it in the United States Army.

Q Now, Doctor, you, as a psychiatrist, can you say what psychologic effect these operations had on the patients?

A I think that it was that of deep humiliation which was the remarkable reaction in all these women. I would say it was either a resentment against humiliation. The use of the name "Quinn" -- they are all high spirited girls. They were all soldiers. This girl is of a superior intelligence, a student of pharmacy, a woman of culture, and speaks very good English which she feels is not good enough to testify in it. This whole treatment caused a deep humiliation, and on the other hand, it also aroused a fighting spirit, and the remarkable thing is that this prisoner showed how she rebelled against this treatment. She was one of a group which was forcibly operated on. She is a woman who fought like a wild cat in a concentration camp against this treatment, and she had to be held down by two or more SS men.

Q Thank you Doctor.

MR. HANBY: I have no further questions to put to Doctor Alexander, at this time, Your Honor.

THE PRESIDENT: Do any of the defense counsel desire to cross-examine Doctor Alexander?

CROSS EXAMINATION

BY MR. STUMER:

Q Only a few questions, Doctor Alexander. Are you able to state exactly which scars came from the transplantation in 1945 in Warsaw?

A Yes. In 1945, the operation involved two things: Transplantation of the tendons. You can still recognize those wounds because the tissues will show. That was done to lift the foot up. This girl has a marked foot drop, more marked than in the first witness and these tendons lift the foot up, and fixed it in that position (in flexion). In addition, the witness told me that the upper end of the scar here was treated cosmetically. The main scar from the knee down to here, was not touched, and specifically the open side was not touched.

Q Is it possible that the scar is lacking because it was removed in this transplantation in Warsaw?

A I can't obtain that history. I can ask here through the interpreter.

MR. ALEXANDER: Will you please ask the patient these questions:

A. ALEXANDER: Do you feel this tendon here, the one tendon on the side?

MISS WINDO: No.

MR. ALEXANDER: Here.

MISS WINDO: Yes.

Q. ALEXANDER: Now, on this side, do you remember whether you still had this tendon when Doctor Gruzer operated on you in Warsaw?

MISS WINDO: No.

DR. ALEXANDER: It is very unlikely that one would use a biopsy
tendon for transplantation. It is more likely that the tendon was
snipped off during the acute state of the infection.

Q That is your assumption?

A Yes.

Q Now something else, you are of the opinion apparently that
this scar on the back of the calf was necessary in order to
control the gangrene surgically?

A I do not know. The case looks to me like streptococcus. The
way it is distributed -- for gasbrand it is not complete enough. Of
course it is difficult to distinguish that but the next patient you
saw a typical gas bacillus scar and it looks different than this one.
This looks like streptococcus, but it is probable that one or two
cuts were made in order to control the infection surgically.

Q Do you know Doctor whether the patient was treated with
sulfa drugs?

A No, the only thing is she is one of two patients who did not
develop white gangrene. That is all I know.

DR. SKEL: I have no further questions.

THE PRESIDENT: Any further questions by the counsel for the
defense?

(Apparently none)

There being no further questions the witness is excused.

MR. BERRY: The prosecution request that the witness Maria
Kusniarska be called to the stand at this time.

THE PRESIDENT: The Marshall will summon the witness Maria
Kusniarska.

THE PRESIDENT: I remind the interpreter that he has been sworn
in this cause.

THE INTERPRETER: Yes.

THE PRESIDENT: You will now administer the oath to the witness.

MARIA KUSMIERCZUK, a witness, took the stand and testified
through an interpreter as follows:

BY THE PRESIDENT:

Q The witness will state her name.

A Maria Kusmierczuk.

Q Raise your right hand and repeat:

I swear that the evidence I shall give shall be the truth, the whole
truth, and nothing but the truth. So help me God.

(The witness repeated the oath).

THE PRESIDENT: The witness may be seated.

DIRECT EXAMINATION

BY MR. McHARRY:

Q Will you state your name, please?

A Maria Kusmierczuk.

Q Your last name is spelled K-u-s-m-i-e-r-c-z-u-k?

A Yes.

Q You were born on 1 January, 1920, at Jagerndorf.

A Yes.

Q You are a citizen of Poland?

A Yes I am.

Q Have you come here voluntarily to testify?

A Yes.

Q What is your present home address?

A Paciberska Street 1.

Q What education have you received?

A I've finished the secondary school; and I am a student of
the University.

Q Have you studied medicine?

A Yes, I am studying medicine.

Q Were you studying medicine at the University in Vilna before the war broke out?

A Yes, I was in Vilna. I was studying mathematics and nature at the University of Vilna.

Q You are now studying medicine at the University in Odansk?

A Yes.

Q Were you working in the underground movement in 1940?

A Yes.

Q Where was this?

A Zamoshtsh.

Q Were you ultimately arrested for your activity in the underground?

A Yes.

Q What were you doing in the Polish underground?

A I was messenger; and I was assigned to the chief headquarters.

Q Were you tried by a court after you were arrested?

A I have never been tried by a court.

Q What was done with you after your arrest?

A I was arrested by the Gestapo and then put into the prison in Zamoshtsh where I was for ten days. During these ten days I was interrogated by the Gestapo. Then I was put in the prison in Lublin, where I stayed until the 23rd of October 1941.

Q What happened then?

A Then I was sent to the concentration camp Ravensbrueck.

Q What work did you do at Ravensbrueck?

A I did the usual physical work. Then I worked in the workshop grinding soles on shoes. I worked in this workshop until I was taken for the operation.

Q When is that?

A On the 7th of October, 1941.

Q 1941 or 1942?

A 1942.

Q Were other girls taken with you at the same time to be operated on?

A Yes. In the hospital it turned out that there were also other girls taken at the same time.

Q Will you explain to the Tribunal how you came to be selected for this operation and what happened during the course of it?

A On the 7th of October when I was sleeping, I suddenly heard my name called, my number called. A police woman came; took me; and didn't tell me where I was going. Following her, I came

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to the hospital. I discovered in the hospital that there were eleven other girls who had to disrobe and were examined by Dr. Oberhauser. After the examination we were put to bed. A German nurse shaved our right legs. Then we were given injections which stunned us. Then I remember that I was put on a hospital cot and taken to the operating room. There I saw Dr. Podiedlausk and Dr. Rosenthal, who gave me the second injection. I remember that I had to count to twelve; and then I don't remember anything else.

Then I remember the moment when I was again in the hospital room. My comrades were lying in the same room. I felt that my leg was bandaged and I couldn't move it; and I felt severe pain. During the next few days I developed a high temperature. I remember that my leg was bandaged. I remember in the first days that Oberhauser used to come each day and give me injections. Then my leg was bandaged. They used to take me to the dressing room. I was put up on a dressing table. A sheet was put over my eyes. I felt only that the bandage was removed and I felt an inhuman pain. I tried not to scream in order to see what happened to my leg. I remember that it felt as if somebody would cut off something on my leg.

Dressings were changed twice a week, if my memory serves me well. During the next changes of dressings when my temperature was not so high, I noticed that the dressings were made by the doctor whose name, as I learned it afterwards, was Dr. Fischer. I knew also that for a long time the dressing were made by Dr. Fischer, because when pus drained from my leg and the air was foul with odor, I asked that my dressings might be changed; and I was told that I must wait until Dr. Fischer arrived.

I remember also the fact that three weeks after my operation I and all my comrades were taken out of the room and carried into the operating room. Then I was lying in a separate room with the bandage taken off on a high table. After two hours of my lying on this table and looking at my leg, that made a very deep impression on me because I saw in a flash even pieces of my bone.

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The doctors came. In the front walked a doctor, very stout and tall, with spectacles. He took a hammer-like instrument and tapped the bone in my leg. I tried to look at this man and keep his face in my mind. I know that this man was Prof. Gebhardt.

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Q. Witness, do you think that you would remember this man's face today?

A. I think so, but I must look before.

Q. Will you please get up and walk over to the defendants' dock and see if you recognize this man Gebhardt as being there?

(Witness walking to dock.)

Q. Will you point to him, please?

(Witness pointing to Defendant Gebhardt.)

Q. Thank you. And will you now point out Oberhauser?

(Witness pointing to Defendant Oberhauser.)

Q. And Fischer?

(Witness pointing to Defendant Fischer.)

Q. Thank you. Will you sit down now.

R. MEHRER: I would like for the record to show that the witness properly identified the Defendants Gebhardt, Oberhauser and Fischer.

THE PRESIDENT: The record will so show.

R. MEHRER:

Q. Now, witness, when did you leave the hospital after this operation on 7th October 1942?

A. My wound was so big that I had to stay in the hospital about half a year. At the beginning of the month of April 1943 I left the hospital wearing crutches.

Q. Now, your wound was not healed then at that time?

R. MEHRER: Is it you kindly repeat the question?

Q. Your wound was not healed then when you left the hospital?

A. My wound was not healed when I left the hospital.

Q. Were you able to work?

A. I was not able to work and I was not able even to walk. I stayed in the block till the 1st of September 1943. On the 1st of September 1943 I went again to the hospital because pus was draining from my wound and the wound was not healed yet. I stayed in the hospital about half a year without being able to get up.

Q That was until early 1944 that you remained in the hospital?

A I left the hospital in February 1944. I don't remember the exact date; but the wound was not healed yet and there was a small wound from which pus drained. On the 15th of September Dr. Treitel, to speak of the healing of my leg, grafted the skin taken off my thigh on to the wound. I stayed in the hospital till February 1944 but when I returned back to the block I could not walk well. My leg was entirely healed at the end of June 1944.

Q Now did this skin grafting operation take place on September 15, 1943?

A Yes.

Q Now, going back to the original operation, when did you first know that an operation was to be performed on you?

A When I was put to bed and my legs were shaved, then I thought that I would undergo an operation.

Q Did you ask them what they were going to do to you?

A No, I didn't ask.

Q Why not?

A Because it was impossible to ask anything in the concentration camp. We used to get, as answers to our questions: "Halt! Maul" — shut up.

Q Were you in good health at the time of this operation?

A I was quite healthy, only under-nourished and exhausted because of hunger reigning in the camp.

Q Did you ever make any protest against this operation?

A I protested against operations, but after my own operation when living conditions in camp allowed me to do it.

Q They did not ask you to consent to this operation before you were operated on, did they?

A I was not asked anything by anybody. When I was taken to the hospital I was sure that I was going to be shot down, because I remember that all my comrades belonging to the same transport who had been shot

down were taken out of the blocks in the same way.

Q Now, do you know approximately how many women were operated on experimentally at Ravensbrueck while you were there?

A Yes, I remember quite well. Seventy-five Polish women were operated.

Q And did any of them die as a result of these operations?

A Yes, I remember quite well that five of my comrades who had been operated on died. After my operation two of my comrades died. One was lying near me in the hospital and the second was in the same room. The name of the first was Krokopsky Kasimira, and the second Ketzal Sofia. Besides died Bruce Aleky, Evinov Itchinila and Kruska.

Q Now, were you women who were subjected to these operations known in the camp as "guinea pigs"?

A Yes, the very well known name was "guinea pigs" to describe us.

Q Now just before the end of the war, did they make -- did the Germans in Ravensbrueck make any effort to gather together all of you so-called guinea pigs?

A Yes. At the beginning of the year 1944 all operated women were put into one block. On the 4th of February 1945 I remember that the chief of the block read off our names written down on the list. He told us that we were not allowed to leave the block the next day. We knew that this procedure on such a list meant execution and we knew that we would probably be executed because we knew that six of our comrades had been shot down before.

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We know also, for certain, that the Germans would try not to let any witness who knew about the operations get out of the camp alive.

Q. Well, witness, were you girls able to avoid detection because of the great confusion in the camp in the last days of the war?

A. Yes, that is what I wanted to say.

Q. Now, were you ever promised freedom if you agreed to undergo this operation?

A. Never, no.

Q. Did you say at any time that you would prefer to be shot instead of operated on?

A. Yes.

Q. Now, you mentioned that six of these women who were operated on were shot. Are you telling the Tribunal that these six persons were killed in addition to the five who died as a result of the operation?

A. Yes.

Q. Have you had certain pictures taken of you since you came to Nurnberg?

A. Yes.

MR. McJANNET: I am handing to the witness for identification seven pictures marked 120-1230, A through G.

(Documents were submitted to the witness)

Q. Are these all pictures taken of you here in Nurnberg?

A. Yes.

MR. McJANNET: The Prosecution offers document No-1080, A through G, as Prosecution Exhibit 219, A through G.

Q. Now, witness, will you please remove your stocking and shoe from the leg on which the operation was performed? Now, will you stand up and step on to the stand, and will you turn around slowly? Will you turn around again please? (The witness complied)

MR. McJANNET: You may sit down now.

Q. Witness, have you undergone any operational treatment since you left

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the Ravensbrueck Concentration Camp?

A. Yes, I underwent an operation in Warsaw.

Q. And what was the nature of that operation?

A. This operation was performed by Professor Grzesak.

Q. And what did he do?

A. The operation consisted of transplanation of a tendon which would hold the falling foot.

Q. Was this operation successful?

A. This operation did not succeed. There was some infection in my leg that caused the tendon to fall out.

MR. McHENRY: I have no further question at this time, Your Honors.

THE PRESIDENT: Have counsel for the defendants any cross-examination of this witness?

(No response)

MR. McHENRY: We can call Dr. Alexander to the stand now, and I think perhaps we can make a start on his report.

THE PRESIDENT: Very well.

DR. LEO A. ALEXANDER, a witness, having been previously sworn, took the stand and testified as follows.

MR. McHENRY: I will ask that the record show that Dr. Alexander is still

under oath and is the same Dr. Alexander who has testified earlier today.

THE PRESIDENT: The Tribunal reminds the witness Dr. Alexander that he is still under oath.

DR. ALEXANDER: Yes, sir.

DIRECT EXAMINATION

BY MR. McHENRY:

Q. Dr. Alexander, have you made an examination of the witness now on the stand; that is to say, Miss Kusmierczuk?

A. I have.

Q. And was an X-ray made, under your direction, of the leg of this witness?

A. Yes, sir.

Q And is that the X-ray which you now have in your hand, namely, document NO-1095?

A Yes, sir, it is.

MR. MCHEENEY: I submit document NO-1095 as Prosecution Exhibit 220.

Q Now, doctor, will you proceed to give a report on your examination of this woman?

A This patient's right leg is disfigured by a deeply scarred excavation (indicating), the bottom of which is the lateral aspect of the tibial bone (indicating) — this is hard tibial bone — from which the entire peroneal and anterior tibial muscle groups have been peeled off or sloughed off.

If you look at the other leg, (indicating), what you see here is the tibial and peroneal muscle, antotibial and antepersoneal muscle group. From this side (indicating), one cannot feel the bone directly; on this side — (to the witness), will you turn around — there you see the bone is completely denuded. All this is hard bone surface, covered by skin only. This (indicating) is the bone directly, fibular as well as tibial. You can feel both bones. This is the fibular bone and this is the tibial. You cannot normally feel these bones here (indicating), because they are covered by muscle. The muscle has been peeled off, leaving the bone at the bottom of the cavity.

The lateral soleus muscle is likewise destroyed. That is this muscle here (indicating), which gives this very curious sharp drop from the calf. As you see, if you look at it in this way, you see here the lateral soleus muscle, which gives the calf its graceful curve. Here is the medial and here is the lateral. The lateral gives this lateral, graceful, normal curve. Here (indicating) you see the curve is sharply interrupted by this angle, due to the fact that the lateral soleus muscle is gone as a whole.

The muscles of the upper calf, apart from the lateral soleus, are preserved. The upper calf here is preserved. This mutilating scar begins two inches below the lateral epicondyle—here (indicating)—and extends downward to the lateral malleolar region, including the dorsum of the right foot, until

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here (indicating).

At its upper end, the scar is half an inch wide. In the middle of the leg the scarred area measures two and three quarter inches in width. Here (indicating). This is two and three-quarter inches. In the lower half of the scar this is directly continuous with the periosteum of the lateral surface of tibial and fibular bones. This is bone (indicating).

Now, the neurological examination.

(to the witness): Will you please try to do this?

(demonstrating).

(The witness complied).

The patient is unable to dorsiflex the foot, which means to elevate the foot upward.

(To the witness): Try to do it on the other side, if you will.

(The witness complied)

Try to do it with the other leg, if you will. Just show that you understand this. Like this. (demonstrating).

(The witness complied).

Now try to do it here (indicating).

Arrestation is completely gone. The big toe cannot be dorsiflexed either.

(To the interpreter): Will you try to tell her to dorsiflex the big toe, to pull the big toe up?

(The interpreter complied).

You notice this indicates that among the muscles of the peroneal and anterior group, the extensor hallucis longus is likewise missing; that is, the extensor muscle of the big toe. The small toes can be somewhat dorsiflexed and spread.

(To the witness): Try to wiggle the small toes, if you will.

(The witness complied).

You notice that the residual dorsiflexion of the small toes of the right foot involves only the end phalanges—that means the tips only—indicating that this residual motion is entirely carried out by the small muscles of the foot, and that the extensor digitorum longus is likewise missing. All these disturbances reveal themselves in the gait of the patient.

(To the witness): Will you please walk a little bit?

(The witness complied).

You will notice again that during gait the right leg is not elevated, but remains glued to the ground, as it were.

(To the witness): Will you please do it again? Thank you.

(The witness complied).

It remains glued to the ground. It is somewhat better with shoes on, where some support is given.

Knee jerks are active and equal; right ankle jerk is present but diminished.

The knee jerk is here (indicating); the ankle jerk is very lively here. There is a little bit of it, indicating that the gastrocnemius tendon is still there and the muscle barely functioning.

The scar itself and a small area one and a half inches wide laterally adjacent to its middle part—here (indicating), the scar itself is in this area here—are anesthetic for touch and pain. However, the patient describes painful paresthesias in the anesthetic part laterally adjacent to the middle third of the scar. Here, apparently, there may be a small neuroma probably growing there from some of the remnants of nerve tissue.

The entire dorsum of the right foot shows hypesthesia for pain.

The dorsum of the right foot, the scar itself and the small area laterally adjacent to its middle third are anesthetic to fine touch but feel coarse touch. The vibration sense over the lateral malleolus is diminished. That of the medial malleolus is preserved. As demonstrated before, gait is distributed by inability to dorsi-flex the right foot.

Q Doctor, can you briefly give us your findings with respect to the x-ray picture?

1. Yes sir. There are three groups of findings. First of all, marked "A" on the x-rays there is a bone defect, semi-circular in shape, involving the lateral part of the tibia, 1.2 centimeters in diameter, located at the lateral aspect of the tibia $4\frac{1}{2}$ centimeters above the ankle joint. This cavity is consistent with an infective process with a cavity resulting either from an absorbed or removed sequestrum, or from removal of part of bone with subsequent infection, surrounded by sclerosis of the bone; immediately proximal to this defect, marked "B" in the x-ray photographs, is a bony bridge between the fibula and tibia. This entire picture is characteristic of previous osteomyelitis.

Furthermore, the distal half of the entire fibular shaft over a stretch indicated by "C" on the photograph, the fibular shaft is thickened with marked thickening of the periosteum, indicating repair following osteomyelitis I repeat, here is the osteomyelitis of the fibula (indicating). Here is the bone defect (indicating), the cystic defect resulting probably from the removal of sequestrum or probably removal of part of bone with subsequent infection; above it, marked "A", the hole in the bone which is about here roughly (indicating), and above it the concrecence between fibula and tibia, to compensate for the weakening of support below, or just simply concrecence due to the infectious process, production of the periosteum, inflamed periosteum which, in a stage of repair, will lay down new bone between; of course, normal bone.

Q Doctor, finally can you give us your opinion as to the purpose of the operation which this woman was subjected to?

A The completeness with which muscles have sloughed off indicates that this probably was an experiment with gas bacillus, with one of the gas bacillus variety or oedema malignum variety, and again this patient did not mention any powder that was used in conjunction with the original inoculation. This patient did mention the formation of blisters which make it likely that this was a case of oedema malignum experiment, a gas bacillus experiment, and that probably streptococci did not play a role, at least in the acute stage. The sharp demarcation to individual muscle groups and the completeness of their destruction is more typical of the activity of the anaerobes. The anaerobes is the group to which gas bacilli belong.

MR. MCHEANEY: I have no further questions, your Honor.

THE PRESIDENT: Do counsel for the defendants have any questions to propound to the witness, Dr. Alexander, on cross examination?

(No response).

THE PRESIDENT: Apparently there are none. Is counsel for the prosecution finished with the witness.

MR. MCHEANEY: He may be excused as far as the prosecution is concerned, your Honor.

THE PRESIDENT: The witness may be excused and the Polish witness is also excused. I think counsel for both parties understand that some time ago the Tribunal announced that it would, tomorrow at 12:30 o'clock, adjourn until the morning of Thursday, January 2. I suppose you can use the morning, Mr. McHaneay, in reading records from the book?

MR. MCHEANEY: Yes indeed, sir.

THE PRESIDENT: The Tribunal will now recess until 9:30 o'clock tomorrow morning.

(The Tribunal adjourned until 21 December 1946 at 0930 hours.)

CORRECTED COPY

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al., defendants, sitting at Nurnberg, Germany, on 21 December, 1946, 0930-1230, Justice Seals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal I:

Military Tribunal I is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, ascertain if the defendants are all present.

THE MARSHAL: May it please Your Honor, all defendants are present in the courtroom.

THE PRESIDENT: Secretary-General, note that fact for the record, the defendants are all present in the Court.

The prosecution may proceed.

MR. HARDY: May it please Your Honor, at this time I shall introduce Document Number NO-065 which had been admitted previously pending securing of the jurat on the Pohl affidavit. I will pass the original document up to you so that you may see the jurat that we have obtained.

(The document was handed to the Judge.)

If that is satisfactory, Your Honor, I wish at this time to offer that as Prosecution Exhibit No. 221. That has not been given a prosecution number prior to this time.

THE PRESIDENT: The jurat appears to be in order. The document will be admitted in evidence.

MR. HARDY: Also at this time, Your Honor, in connection with the Dachau report by the United States Army Investigating Team, I introduced in connection with the malaria experiments, testimony of one Marion Debra. In accordance with the ruling of the Tribunal I have had Mr. R. G. the General Secretary of DDT, certify this extract of that report to be true and correct. I wish to pass that up for Your Honor's perusal.

(Document handed to Judge.)

If the document meets with your Honor's requirements, at this time

I should like to offer it as Prosecution Exhibit No. 222.

THE PRESIDENT: The certificate appears to be in order. The document may be admitted.

R. MCANEX: If the Tribunal please, Your Honors will recall that several weeks ago, in the early stages of the trial, we attempted to introduce a deposition by Father Leo Mischalowski. The deposition was part of the investigation report made by a unit of the United States Army investigating concentration camps. The deposition was refused admission for the reason that it was not signed by Father Mischalowski. In the meantime we have located him and we will call him to the stand to testify this morning as soon as he arrives. He is not here at the present time but he will be in shortly. In the meantime we would like to continue with the introduction of proof on the experiments carried out at the Ravensbrueck concentration camp and about which the court has heard testimony from four victims of these experiments. These witnesses which the Court has heard are the so-called asocial and criminal persons upon whom the defendants in the dock feel that it is legal and moral to experiment upon.

I am just advised that Father Mischalowski has arrived and we would like at this time to have him summoned to the witness stand.

THE PRESIDENT: Will the Marshal summon the witness Leo Mischalowski. Will this witness testify in the German language?

R. MCANEX: Yes, sir.

LEO MISCHALOWSKI, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. The witness will state his name.

A. My name is Leo Mischalowski.

Q. The witness will be sworn. Hold up your right hand. Do you swear that the evidence you shall give shall be the truth, the whole truth, and nothing but the truth, so help you God?

(The witness repeated the oath.)

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Your name is Leo Mischalowski?

A. Yes, sir.

Q. When and where were you born, witness.

A. On the 22nd of March, 1909, in Zabrzezno, Poland.

Q. Are you a citizen of Poland?

A. Yes.

Q. What is your present address, witness?

A. Raderhorst, in the district of Ibben, Westphalia.

Q. Are you a Catholic priest, witness?

A. Yes.

Q. And you are now a chaplain of the Polish Military Mission to the headquarters of the British Army of the Rhine?

A. Yes, and I am occupied and active now in the DP camp.

Q. Will you tell the Tribunal what education you have received, witness.

A. I have attended and graduated from the Humanistic Gymnasium and afterward the priest seminary in Dublin near Dischau.

Q. What were you doing from 1933 until the war broke out, father.

A. I was minister in Poland at that time.

Q. Were you arrested by the Germans in 1939?

A. Yes.

Q. Will you explain to the Tribunal how that came about?

A. It had been announced that everybody had to report. If he failed to do so it would be punished by death, that they would have to report to the town major's office. I was convinced that this was a registration and accordingly I went there. I was immediately arrested upon my arrival there.

Q. Did they tell you why you were arrested, father?

A. No, but later on I saw my warrant of arrest in prison.

Q. And did it give you any idea of why you were arrested?

A. Only warrant of arrest -- it had been written, underlined with a red pencil, minister, priest.

Q. And that is the only reason which you know as to why you were arrested?

A. I was never charged and never called to any trial or any other legal proceedings.

Q. Were you at the time of your arrest teaching school in Swiecie, Poland?

A. During the previous time I had been a confessional teacher in the schools in Swiecie.

Q. Now, father, will you tell the Tribunal what happened to you after your arrest?

A. When I was arrested I was first kept in prison for two months and from there we were sent into a cloister and from there still other priests were assembled until about ninety priests had been assembled altogether, and from there we were sent to Struthof near Danzig into the concentration camp which was located there. And, from there on the fifth or ninth of February we were transferred to Sachsenhausen-Oranienburg which is located near Berlin. On the 13th of December 1940, we were transferred again to Dachau. I was confined in Dachau until the arrival of the Americans - until we were liberated - that was on the 29th of April 1945.

Q. Now, father, were you a political prisoner in Dachau?

A. Yes. I wore a red insignia which all those who had been arrested for political reasons had to wear this insignia.

Q. Now, father, did there come a time when you were experimented on the concentration camp at Dachau?

A. Yes. Malaria experiments and also on one occasion we were engaged in high altitude experiments.

Q. Did you say high altitude experiments, Doctor?

A. No, I said aviation experiments.

Q. And what do you mean by aviation experiments?

A. Well, I have said it because we were dressed in aviator's uniforms and then we were put into containers full of water and ice.

Q. Now, father, will you tell the Tribunal just what happened when you were experimented on with malaria? That is, when it happened and how you happened to be selected?

A. I was that week that I fell down on the road because everybody was hungry in the camp. I wanted to be transferred to another assignment later on where we got some bread to eat between meals so my health could improve by the additional food. One man arrived and selected about thirty people for some easy labor. I also wanted to be selected for this assignment and those who had been selected for this work were led away. We went in the direction where the work was located and at the very last

... instead of going to the place of work we were lead to the camp hospital. We did not know what was going to be done with us there. I thought to myself that perhaps this was going to be some detail for easier work in the hospital. We were told that we should undress and after we had undressed ourselves our numbers were taken down and then we asked what was going on and they told us, smilingly, "This is for air detail." But we were not told what was going to be done with us. Then the doctor came and told us all to remain and that we were to be x-rayed. Now that our numbers had already been taken down we were supposed to go to our blocks. I sat for two days in the block and afterwards I was again called to the hospital and there I was given malaria in such a manner that there were little cages with infected mosquitoes and I had to put my hand on one of the little cages and a mosquito stung me and afterwards I was still in the hospital for five weeks. However, for the time being no symptoms of the disease showed themselves. Somewhat later, I don't exactly recall, two or three weeks, I had my first malaria attack. Such attacks recurred frequently and several medicines were given to us for against malaria. I was given such medicine as neo-salvasan. I was given two injections of quinine. On one occasion I was given atabrine and the worst was that one time when I had an attack, I was given so-called perifer. I was given nine injections of that kind, one every hour and that every second day through the seventh injection. All of a sudden my heart felt like it was going to be torn out. I became insane. I completely lost my language - my ability to speak. This lasted until evening. In the evening a nurse arrived and wanted to give me the eighth injection. I was then unable to speak and I told the nurse about all of the complications I had had and that I did not want to receive the injection. The nurse had already poured out the injection and said that he would report this to Dr. Schilling. After approximately ten minutes another nurse arrived and he said that he would have to give me the injection after all. Then I said the same thing again, that I was not going to have the injection. However, he told me that he had to carry-out that order. Then I replied that no matter what order he had, I would not be willing to commit

suicide. Then he went away and returned once again after ten minutes. He told me, "I know you know what can happen if you don't accept the injection." Then I said in spite of everything, "I refuse to receive another injection and that I would tell that to the professor." I requested that he himself know that I would not be willing to receive the injection. So that the nurse would not have any further difficulty after twenty minutes Dr. Floetner came with four inmate nurses and he talked to my comrades. "There is going to be a big row here." Then I said, "If I have resisted for such a long time I will continue to do so." Dr. Floetner, however, was very quiet. He only reached for my hand and he checked my pulse, then touched my head and asked me what complications I had had. I told him what I had had after that injection. And then he told the nurse to give me two tablets in order to remove the headache and the pains in my kidneys. Then I had been given that Dr. Floetner was about to leave and told the nurses that they were to give me the rest of the injections. Then I said, "Hauptsturmfuehrer, I refuse to be given that injection." The physician turned around after I had said that and looked at me and said, "I am responsible for your life, not you." Then when the injection he told the nurse -- the nurses complied with his order and it was then they gave me this injection. It was the same one to whom I had previously told that I did not want to have another injection. It was only strange that after the eighth injection no results happened as they had done previously so that, in my opinion, I think that the nurse gave me some other injection. On the morning I was given the ninth injection -- when I woke up in the morning the results were then as usual. I became sick and I began to feel cold and I had high fever.

Q Father, do I understand you to say that you were infected with malaria in the middle of 1942?

A It was approximately in the middle of 1942 when I was infected with malaria.

Q And you were not asked your consent to the malaria experiment?

A No. I was not asked for my consent.

Q And you did not volunteer for this experiment?

A No. I was taken in the manner which I have just described.

Q. Did you make any protest?

A. In 1942 it was very difficult in the camp to lodge any protest. When I protested with this eighth injection which I was to be given, I clearly realized that it would have the most serious consequences for me. Later on such things could be risked, but in that year I still think that I would have been unable to do that, and I don't think it would have been to any avail.

Q. Now how many people were experimented on with you, that is, malaria experiments?

A. In the hospital when I had my attacks, there were approximately fifty to sixty people; the numbers changed.

Q. And do you know the approximate total number of inmates experimented on with malaria in Dachau?

A. Towards the end I heard that approximately one thousand two hundred prisoners were subjected to these experiments.

Q. Do you know whether or not any of these inmates died as a result of the malaria experiments?

A. Several have died, but if this was the direct result of malaria, I do not know. I knew of one case when the patient died after having been given Perifere injections. Then I still knew another priest who died, but afterwards -- and prior to his death he was sent to another room.

Q. Was it customary to transfer patients out of the block in which they were conducting the malaria experiments if it appeared that they might die?

A. It looked to me as if this patient of whom I have just spoken had been moved for the reason so it could not be seen that it happened in the case of malaria, but I do not know if people died as a result of malaria because I am not an expert on the subject.

Q. How many recurrences of malaric fever did you have, Father?

A. I cannot give you the exact number any more. However, these attacks recurred frequently, I think about five times, and then I still had treatment in bed for some time, and then there were several more, and altogether I had ten attacks, one every day. Then I reached a temperature of 41.6.

Q. Do you still suffer any effects from the malaric?

A. I still have had some after effects, but I do not know if this is only of malaric because I was also subjected to another experiment.

Q. Well, will you now tell the Tribunal about this other experiment?

A. During these malaric attacks on one occasion I was called by Dr. Praetzel and I was examined by a Polish physician, and Dr. Praetzel told me, "If I have any use for you, I will call you." However, I did not know what was going to be done with me. Several days later, that was on the seventh of October, 1942, a prisoner came and told me that I was to report to the hospital immediately. I thought that I was going to be examined once more, and I was taken through the malaric station to block 5 in Dachau, to the fourth floor of block 5. There -- the so-called aviation room, the aviation experimental station was located there, and there was a fence, a wooden fence so that nobody could see what was inside, and I was led there, and there was a basin with water and ice which floated on the water. There were two tables, and there were two apparatus on there. Next to them there was a heap of clothing that consisted of uniforms, and Dr. Praetzel was there, two officers in air force uniforms. However, I do not know their names.

Now I was told to undress. I undressed and I was examined. The physician then remarked that everything was in order. Now wires had been taped to my back, also in the lower rectum. Afterwards I had to wear my shirt, my drawers, but then afterwards I had to wear one of the uniforms which were lying there. Then I also had to wear a long pair of boots with cat's fur and one aviator's combination. And afterwards a tube was put around my neck and was filled with air. And afterwards the wires which had been connected with me -- they were connected to the apparatus, and then I was thrown into the water. All of a sudden I became very cold, and I began to tremble. I immediately turned to these two men and asked them to pull me out of the water because I would be unable to stand it much longer. However, they told me laughingly, "Well, this will only last a very short time." I sat in this water, and I had -- and I was conscious for one hour and a half. I do not know exactly because I did not have a watch, but that is the approximate time I spent there.

During this time the temperature was lowered very slowly in the beginning and afterwards more rapidly. When I was thrown into the water my temperature was lowered very slowly in the beginning and afterwards more rapidly. When I was thrown into the water my temperature was 37.6. Then the temperature became lower. Then I only had 33 and then as low as 30, but then I already became somewhat unconscious and every fifteen minutes some blood was taken from my ear. After having sat in the water for about half an hour, I was offered a cigarette, which, however, I did not want to smoke. However, one of these men approached me and gave me the cigarette, and the nurse who stood near the basin continued to put this cigarette into my mouth and pulled it out again.

I managed to smoke about half of this cigarette. Later on I was given a little glass with Schnaps, and then I was asked how I was feeling. Somewhat later still I was given one cup of Grog. This Grog was not very hot. It was rather like warm. I was freezing very much in this water. Now my feet were becoming as rigid as iron, and the same thing applied to my hands, and later on my breathing became very short. I once again began to tremble, and afterwards cold sweat appeared on my forehead. I felt as if I was just about to die, and then I was still asking them to pull me out because I could not stand this much longer.

Then Dr. Prachtel came and he had a little bottle, and he gave me a few drops of some liquid out of this bottle, and I did not know anything about this liquid. It had a somewhat sweetish taste. Then I lost my consciousness. I do not know how much longer I remained in the water because I was unconscious. When I again regained consciousness, it was approximately between 8 and 8:30 in the evening. I was lying on a stretcher covered with blankets, and above me there was some kind of an appliance with lamps which were warming me.

In the room there was only Dr. Prachtel and two prisoners. Then Dr. Prachtel asked me how I was feeling. Then I replied, "First of all, I feel very exhausted, and furthermore I am also very hungry." Dr. Prachtel had immediately ordered that I was to be given better food and that I was also to lie in bed. One prisoner raised me on the stretcher and he took me under his arm and he led me through the corridor to his room. During this time he spoke to me, and he told me, "Well, you do not know what you have even suffered. And in the room the prisoner gave me half a bottle of milk, one piece of bread and some potatoes, but that came from his own rations. Later on he took me to the malaria station,

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block 3, and there I was put to bed, and the very same evening a Polish prisoner -- it was a physician; his first name was Dr. Adam, but I do not remember his other name --

He came on official orders. He told me, "Everything that has happened to you is a military secret." You are not to discuss it with anybody. If you fail to do so, you know what the consequences will be for you. You are intelligent enough to know that." Of course, I fully realized that I had to keep quiet about that.

On one occasion I had discussed these experiences with one of my comrades. One of the nurses found out about this and he came to see me and he asked me if I was already tired of living, because I was talking about such matters. But, in the way these experiments were conducted, I do not need to add anything further to it.

Q How long was it before you recovered from the effects of these freezing experiments?

A It took a long time. I also have had several (pause) I have had a rather weak heart and I have also had severe headaches, and I also get cramps in my feet very often.

Q Do you still suffer from the effects of this experiment?

A I still have a weak heart. For example, I am unable to walk very quickly now, and I also have to sweat very much. Exactly, those are the results, but in many cases I have had those afflictions ever since.

Q Were you in good physical condition before you were subjected to the Malaria and Freezing experiments?

A Since the time of this starvation I weighed 57 kilograms in Dachau. When I came to the camp I weighed about one hundred kilo; I lost about one half of my weight. In the beginning, I was weighed, and I was in bed for about a week. And then my weight went down to forty seven kilo.

Q How much do you weigh now, father?

A I can not tell you exactly but I have not weighed myself lately but I think at this time I weigh fifty five kilogram.

Q Do you know how you were pre-treated in these freezing experiments?

A I was warmed with these lamps, but I heard later that people were warmed by women.

Q Do you know approximately how many inmates were subjected to the freezing experiments?

A. I can not tell you anything about this, because it was kept so secret; and because I was in there quite individually, and I was quite single during this experiment.

Q. Do you know whether anyone died as a result of this experiment?

A. I can not give you any information about that, either. I have not seen anybody. But it was said in camp that quite a number of people died there during this experiment.

Q. Now, father, do you know anything about the low pressure experiments that were carried out in Dachau?

A. Only that I heard that such experiments were conducted out there with an hermetically sealed apparatus.

Q. You have no personal knowledge about these things?

A. No. Nobody was admitted there. It was also kept very secret.

Q. Now, what about the dry freezing experiments, father?

A. Also, these experiments, however, during this time, occurred out there. And it was also said that people were left lying there in the frost and to freeze; but as I have already said, I have not seen it, but I heard of it. But all that is alleged to have been done in the same Aviation Experimental station.

Q. Do you know anything about the so-called "Phlegmons" experiments? At Dachau?

A. Yes, the Phlegmons experiments, were carried out there, because I know of comrades who were there. There were approximately sixty people, half of whom died. There was also a certain other number of cases that died as a result of this experiment.

Q. Father did you receive any preferential treatment in the Camp because you had undergone the Malaria and Freezing experiments?

A. On one occasion when I was in the hospital, Dr. Prachtel told me because you have behaved so bravely in the water, you can come at all times to the hospital for recuperation. That was a short time before Christmas. But when I left there, I thought it would be shameful of me to try to get some favors as a result of this. I never made any use of the suggestion, by the physician.

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Q. Well, they didn't shorten your stay at Dachau, or anything of that nature, did they, because you underwent those experiments?

A. Mr. Prosecutor, I have not understood the question; I do not know what you mean by it.

Q. They did not shorten your sentence in Dachau, did they, because you underwent those experiments?

A. I really do not quite understand this question. No. No. I said not until the end; not until the Americans came to liberate us.

Q. Now, father, will you tell the Tribunal whether or not you were allowed to observe your religion while you were in Dachau Concentration Camp?

A. Well, this matter was treated differently; a chapel had been established at Dachau. And, as priests, we were even given preferential treatment. That is, for a while, we were given one quarter of a glass of liquor, and, from time to time, also some beer. And then, also, our food was supposed to be better. But, actually, we were generally pleased that special privileges were withdrawn; because we always had to drink the wine, one, two, three; this had to be done very quickly; but once or twice the chips began to fly in the air; and I also remember that we also at one time had some quarreling in the street by the inmates which had been separated from the rest. But in the camp everybody knew that we were given preferential treatment; but it was given to us in such a manner, that it was not known to anybody. As to these visits, on one or two occasions, we were given an extra piece of meat. Later on, only a sign remained on the Courtyard circle that it was for the priests. But, in any case, we could not see any difference in the food. A Chapel also was established, and, first of all, one priest was able to hold the Holy Mass there. All those privileges lasted for approximately one half year. Then we had to go to sleep daily, in the morning and in the afternoon. This, was, again, some sort of chicanery, because after we slept we had to construct some beds. And the construction of the beds in the Camp was really something terrible. The beds were torn down, frequently and we had to make them like little match boxes, so that ultimately some people refused to go to sleep, and some fire boxes were also given to us during this time. Later on all of us were called, and the camp leader and two other officers arrived. And a typewriter was brought. And all of us had to fall in,

in the barracks street, and the following questions were asked:

"Who of you is a citizen of the Reich?" Of course, there were several German answerers, and they stepped out. The second question asked was: "Who of you belongs to a German Echelon group. I can't remember that anybody stepped out. Then there was still another question. "Who of you considers himself a German and confesses himself to the German Ideology?" Nobody stepped out. Afterwards, the oldest of the Camp came to the Camp leader and said, "You could still ask them who of them speaks German." Then the Camp leader said, "Of course, if you know already what they are doing, all right;" and he said, "From now, on, you are losing all of your privileges. And you are to become a general labor block;" and then we had to march away.

Generally we were grateful that we did not have the special privileges anymore. We only regretted that we were not admitted to the chapel and that our prayer books had been taken away from us. However, we had a feeling of honor that as Polish priests we had not broken down.

Later on, through comradeship with the other prisoners, the German priests were admitted to the chapel, and later, on several occasions, we were also able to exercise our religious duties, but we had to do this secretly. However, we were given very bad treatment in the camp as priests.

MR. MCNAMEY: I have no further questions, Your Honors.

THE PRESIDENT: Have Defendants' Counsel any cross examination of this witness?

There being none offered, the witness may stand down.

(The witness was excused.)

MR. HURDY: May it please the Tribunal, at this time we wish to continue with the presentation of the sulfanilamide bone transplantation experiments.

THE PRESIDENT: Before proceeding with the further introduction of the exhibits, the Court has an announcement to make. I will ask Judge Sobring to read it.

JUDGE SORBRING: It will no doubt be recalled by the Prosecution and Defense Counsel that several days ago Dr. Servatius made some inquiry of the Court concerning what the Court would consider to be a proper form to be used in the preparation of affidavits. As I understood at that time the purpose of the inquiry, it was that Defense Counsel wanted to meet such requirements as the Tribunal would insist upon and had hoped that the Tribunal would give them information prior to the holidays so that during the holidays they could make some progress in the preparation of the affidavits.

The Tribunal has given due consideration to the type of form that it thinks will meet its approval and has prepared an information sheet which the Presiding Judge has requested that I, on behalf of the Tribunal, have read into the record.

"Information to Defense Counsel Concerning Forms to be Used in the Preparation of Affidavits:

"Such affidavits as may be presented by Defense Counsel for reception in evidence by Military Tribunal I shall be in substantially the following form:

"1. In case the witness whose affidavit is taken resides in the country or in a small village, the affidavit may be executed in the presence of the Landerrat, who shall certify to the same.

"2. In case the witness whose affidavit is taken resides in a small town, the affidavit may be executed in the presence of the Mayor, who shall certify to the same.

"3. In case the witness whose affidavit is taken resides in a larger city, either one of three alternatives will be acceptable; namely, (a) the affidavit may be executed in the presence of the First Mayor, who shall certify to the same; (b) the affidavit may be executed in the presence of the Deputy Mayor, who shall certify to the same; (c) the affidavit may be executed in the presence of the presiding judge of the civil court, who shall certify to the same.

"In all events, any such affidavit must also be certified by the competent representative of the United States Government in the place where the affiant is resident.

"The first paragraph of any such affidavit shall be as follows:

"I—stating the name of the affiant—'state herewith under oath the following facts known to me by personal knowledge:'

"Following this preliminary paragraph, the facts known to the affiant shall be stated clearly. The affidavit shall be concluded as follows:

"Having carefully read and personally countersigned each of the preceding _____ pages, numbered 1 to _____, inclusive, and having personally made the necessary corrections and countersigned them with my initials, I herewith declare under oath that all the facts submitted by me in this affidavit correspond, to the best of my knowledge and belief, to the full truth. /signed/—, and then appears the signature of the affiant.

"The certificate to be signed by the German authority shall be substantially as follows:

"I do hereby certify that I am—, stating the title of his office, 'having

been duly appointed to this office by the properly constituted authority, to wit,—', and then follows a statement of the authority by which or through whom the officer was appointed. Then will follow 'on', and then will appear the date of the appointment. 'I further certify that the foregoing affidavit was sworn to and signed before me this ___ day,' the date being stated, 'at', and then will appear the name of the city, county or village, and the certificate will then be signed by the German official.

"The declaration of the representative of the Military Government shall be in substantially the following form:

"Sworn to and signed before me on ___ date in', and then will be stated the place. Signed, and then will appear the name of the representative, his official title and rank.

"The translator's certificate, if the affidavit is taken in a language other than English, shall be in the following form:

"I', at this time, the name, 'a United States civilian', and then his number, 'hereby certify that I am thoroughly conversant with the English and German languages and that the above is a true and correct translation,' and then the signature.

"To the end that there may be no greater confusion than is necessary about the statement of the Tribunal, it is the order of the Tribunal to the Office of the Secretary General that sufficient copies of the statement now made by the Tribunal shall be prepared both in English and in German so that each Defense Counsel will have at least two copies of the statement, in English and in German, and more copies if he so desires."

"At the present time, the Tribunal has two copies of this statement now to hand down to the Secretary General to appear in the minutes of the Court, a copy thereof in English and in German as information to the Prosecution, and copy of the statement in English and in German as information to Defense Counsel at the present time, and I would suggest, Mr. Secretary General, that inasmuch as Dr. Servatius initially made the application, it be delivered to him.

THE PRESIDENT: The Tribunal will be in recess for 15 minutes.

(A recess was taken.)

THE CHAIRMAN: The Tribunal is again in session.

MR. HANBY: The prosecution will now proceed with the presentation of the evidence of sulfanilamide bone transplantation experiments. Page 22 in your Honors' Document book Document Number NO-858, I now offer as Prosecution Exhibit Number 223. This is a Deposition of Dr. Wolf Rosenthal. The Tribunal will recall that the witnesses of the last few days who have experimented in Ravensbruck frequently mentioned the name of this Dr. Rosenthal. This contains the jurat of Major Arthur K. Hunt, British Army of the Rhine Investigating Officer.

The second paragraph I will read: "I have been warned that this statement may be used in front of a court. I make this statement voluntarily without the use of force or violence or the threat of violence or the promise of a reward or a reward.

"1. I heard for the first time that experimental operations were made at Ravensbruck Concentration Camp in summer, 1942. Dr. Schiedlausky said that he had had a conference with Prof. Gebhardt. During this conference the possibilities of such operations were discussed. In my opinion, however, it had already been ordered before by a higher authority in Berlin to carry out these operations.

"2. The first experimental operations were carried out in summer, 1942, at Ravensbruck. I was present at many of these operations. The operations were carried out by Dr. Fischer.

Prof. Gebhardt was present and sometimes had details of these operations produced. The first time eight to twelve of these operations were carried out on female prisoners. My duty was to assist during these operations. I gave the instruments to Dr. Fischer. I or Dr. Gounhäuser and sometimes one of the nurses administered the narcosis.

"3. After these operations the patients were accommodated in separate rooms in other departments, of the infirmary. Sulphonamid-preparates were administered to them; and as far as I knew these patients were nursed exactly in the same way as ordinary patients. Gas gangrene cultures were instilled into the artificially caused wounds.

"These cultures were delivered by the Hygienemstitut of the Waffen-SS in Berlin where they had been cultivated."

At this time I wish to add parenthetically, the Tribunal will recall that in the introduction or the presentation of evidence as to the organizational situation of the defendants, we noted that the Hygienemstitut up until August, 1943, was under the control of Genkan, Bennett Genkan, and the defendant Lugowsky. After the first of December, the defendant Lugowsky assumed absolute control.

"These cultures were implanted into the wounds with or without foreign matter. I believe that the foreign matter, which was either cloth or splinters of wood or perhaps even glass, was also delivered by the Hygiene Institute of the Waffen-SS at Berlin.

"4. Sometimes I have seen that Dr. Oberhouser administered petrol-injections to the prisoners. She used a syringe for ten cubic centimeters and the injection was administered into the vein of the arm. The injection gave the impression of an acute apoplexy, the patients reared up and then suddenly collapsed. It lasted between three to five minutes from the time the injection was administered until they were dead. The patients were entirely conscious until the last moment. It took approximately fifteen to thirty seconds to administer the injection. Dr. Oberhouser told me that the prisoners who received petrol injections were severely ill and could not be cured.

"5. I have administered an overdose of morphine to about twenty to thirty severely ill patients to cause their death."

At the present time, your Honor, Dr. Gessenthal will not be available here as a witness because he is now on trial at Ravensbruck by the British Army, the British Military Courts.

We will now turn to the next affidavit. This is an affidavit numbered Document 32-508, which will be offered as Prosecution Exhibit Number 224. In the course of reading this affidavit, your Honor, there will be sections I will omit inasmuch as they contain details of the examinations as some of the things that might be of interest for you to

but which I will not take the time to read here. Dr. Schiedlowsky first was stationed at Ravensbruck and later went to Buchenwald so in his affidavit you will see an overlap of evidence as to the conditions of Ravensbruck and those of Buchenwald.

This is dated "Praising, 7 August, 1945. I, Bernhard Schiedlowsky" —also, by the way, he is to be placed on trial by the British in the British Zone — "ID, Hauptsturmfuehrer of the Reserve of the Waffen-SS, declare the following:

"I was drafted on the 28th October 1939. From the 21st of March to the end of September, 1941, I worked as a doctor in the concentration camp Mauthausen as Truppenarzt and also in the prisoners' wards." That obviously means Gruppenarzt, Group Doctor. From that time I remember that so-called Smith fractures, fractures in the lower third of the lower arm, and jaw fractures occurred which could be traced back to the roughness of the prisoners, especially to many of the Capos who were notorious for their brutality. Since there was a large number of professional criminals, it was unavoidable that some cases of unnatural death should occur. The prisoners among themselves exercised a hard and brutal system of justice. Through the most dire threats, thieves, especially those who stole bread, were driven to suicide, which mostly took the form of hanging. I estimate that in about two cases they deliberately ran into the electric wire fence. There were also a series of men who were shot in flight. At one time attempted escapes, especially when a transport of Dutch Jews arrived, increased so much that the danger existed that a future increase in these suicidal flights would stir up the camp. Consequently, the camp headquarters armed husky prisoners with clubs and placed them near the line of guards and successfully within a short time stopped these attempts that had previously reached a toll of up to twelve death daily. In Mauthausen I also witnessed punishment by beatings which were at that time administered by the block leaders after the required formalities had been met. These amounted to up to twenty-five lashes. From the nearby camp, Gusen, I further remember that

several cases of broken jaws occurred. During my time in Mauthausen I remember the following SS members who worked in the Medical Detachment:

These names I will omit reading at this time and proceed on to Page 24 of your Honors' document book, the second paragraph.

"At the beginning of December, 1941, I received orders to proceed to Ravensbruck to relieve Hauptsturmfuehrer Dr. Sonntag as station physician. There were three camps: 1. The women's camp, which had about six thousand prisoners in the beginning and which in August, 1943, had eighteen thousand. I did not observe any cruelties on the part of the SS personnel or female guards although occasional dog bites, almost always of a mild nature, occurred due to the negligence of the women guards or the unpredictability of the dogs. Cases of unnatural death were very rare. Once it was a Russian woman who tried to escape over the electric fence and died in the attempt; and there were several cases of suicide by hanging, perhaps two or three. In 1942 and 1943 orders came from the Reichsfuehrer SS that in the women's camp Ravensbruck suitable volunteers were to be picked in order to establish brothels in some of the men's camps. In my capacity as camp doctor I had to take part in choosing suitable girls from among the applicants. They had to be healthy, of age, and previously engaged in prostitution. Those who volunteered were mostly German prostitutes, also some Poles and one German gypsy half-breed. During my time approximately the following camps were supplied with prostitutes: Mauthausen or Gusen with sixteen, Buchenwald with fourteen, Flossenbug with about ten. Dachau also received some; but in my estimation not more than two or four.

"The punishment inflicted upon women in Ravensbruck was different in that the Reichsfuehrer SS had reserved for himself alone the decision to have these German women flogged, at least those who as wives or widows of soldiers had given themselves to foreigners. In this case there were flogging up to three times twenty-five blows under most severe conditions, that is, with a naked behind.

In the beginning, this was done by women guards, but later exclusively by female prisoners, depending on the number. The punishment took place once or twice a week and five to eight women were punished.

"On the order of the Reichsfuehrer SS, Gruppenfuehrer Dr. Gebhardt of Hohenlychen carried out a series of experiments in 1942 and 1943. The problem to be solved was the therapeutic effect of a number of medicines and possibly also surgery upon gangrene. Polish women who had been sentenced to death by court martial and who were awaiting execution, after their sentences had been approved by the Governor General, were chosen as subjects. The experiment proceeded as follows: A six to eight centimeter long incision was made in the lower calf. A certain bacteria culture, which was sent especially for this purpose by the Hygiene Institute of the SS, was placed deep in the calf muscle and then the skin was rejoined."

I again call the attention of the Tribunal to the fact that these cultures were sent by the Hygiene Institute of the Waffen-SS under the control of the defendants Gonska and Trugowsky.

"As camp doctor, my only responsibility was to see that clinical matters such as the operation itself, nutrition and special nursing, etc., were taken care of to the satisfaction of Professor Gebhardt. The operation itself was performed by Sturmbannfuehrer Dr. Stumpfegger and Hauptsturmfuehrer Dr. Fischer. The camp doctor, Hiss Oberhauser, assisted them. I estimate that about thirty to forty women were used for this experiment with about ten to twelve dying. Oberarzt Dr. Weissmaier, head of the tuberculosis sanatorium Hohenlychen intended to conduct another series of experiments with prisoners, but these were not approved by the higher authorities. Here the main interest was tuberculosis research, to check the reaction of the patient to increasing burdens of physical exertion.

"2. The male camp Ravensbrueck: This was purely a work camp for the development of industry. Because of the peculiar working conditions the rate of illness was always rather high. As station doctor I had to supervise the prisoners' hospital.

"3. The young protection camp Uckermark: The female inmates were almost entirely German girls, on whom the efforts of ordinary reformatory education has failed, who continued social activities, loafed around, and would not let themselves be influenced by their parents and would not obey them. Among them were girls who, because of inherited biological traits, were considered inferior, partly because they were epileptics or the offspring of drunkards, mental cases or sexual maniacs. Only few of the prisoners were girls who had committed some sort of crime that would ordinarily land them in Ravensbrueck, but who were sent there because of their youth. These were mostly cases of forbidden contact with foreigners, almost always sexual intercourse.

"As far as hygienic conditions went in all three camps, in the beginning there was sufficient space in the women's camp, but due to the mounting number of prisoners there were not sufficient beds to go around, so that people working on day and night shifts had to alternate in a bed. Consequently scabies and also some lice were observed."

I will now omit the next two or three paragraphs and will turn to the last paragraph on page 25:

"In August 1943 I was relieved of my post by Hauptstandartenfuhrer Dr. Erno Lolling, Chief of Amt D III. The reason was that some disciplinary action was taken against Obersturmfuhrer Dr. Rasenthal. He had had a love affair with a German prisoner nurse and performed an abortion on her. As his medical superior, I was accused of knowing of this affair, so I felt myself forced to ask to be relieved of my duties, especially since relations with the camp commander at the time, Sturmbannfuhrer Fritz Suhren, were not of the best I was sent to Kitzweiler, to relieve Obersturmfuhrer Dr. von Bodmann there.

"I spent from about the middle of August to the middle of October 1943 in Kitzweiler, then got orders from the head of Amt D III to take over the duties of Dr. Waldemar Heven, who was under investigation, as station doctor of the Waffen-SS, Jäger, and first camp doctor of Buchenwald. After I turned my own duties over to Sturmbannfuhrer Dr.

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Richard Krieger, my successor, I took over my new office.

My activities in Bucharest started on around the 15th to the 18th of October 1943, and ended 11 April 1945, the day the Americans entered. When I

took over, there were sufficient facilities in the prisoners' hospital to handle the volume of work. I gave the prisoners' self-administration and especially the Capo, Ernst Busse, a free hand. He picked out ward nurses, released those not suitable, and occasionally meted out some sort of punishment. The assistant to Busse was Otto Kipp, vice Capo. There were plenty of doctors around. Some of the departments were headed by prisoners with long years of experience. In the hospital there were altogether five barracks for the sick; a sixth was added later. The dispensary of the little camp had two barracks.

"At the time I started to work, no experiments were conducted at Buchenwald. Later there were several series ordered, as follows:

"1. Experiment of Sturmabfuhrer Dr. Vaernet." As we will see later in this affidavit, Your Honors, and later on during the presentation of the case in chief, Dr. Vaernet was ordered by the defendant Poppendiek to experiment with homosexuals at the Buchenwald concentration camp, and as a result of these orders two inmates died.

"2. Experiments of Obersturmbannfuhrer Dr. Schmick.

"3. Nutrition experiments with Seemigwerk.

"4. Investigations of Sturmabfuhrer Dr. Ellenbeck.

"In reference to 1: The experiments of Sturmabfuhrer Dr. Vaernet, a Danish hormone expert, took place about the middle of 1944, on order of the Reichsfuhrer SS, who had directed the Reich Physician of the SS, Dr. Grawitz, to have the experiments carried out in Buchenwald. The aim of the experiments was to change homosexuals so they would again react normally. My part in the experiments, which was detailed for me in written instructions from my superior, Sturmabfuhrer Dr. Lolling, was only to see to it that the necessary number of homosexuals were in the camp. In a preliminary examination, Dr. Vaernet picked out suitable subjects, then informed us by wire from Prague on about what day he would perform operations on the four subjects. He also desired to operate on six more prisoners, at a later date, one of whom was to be a eunuch and another an aged man who was no longer capable of sexual feelings. In the operation itself, a two to three centimeter long

incision was made in the abdomen under local anesthesia. Then the artificial hormone, which he had developed himself and which was in the form of a normal pill, was inserted into the subcutaneous fatty tissues and the wound closed.

"In reference to 2: The experiments of Obersturmbannfuhrer Dr. Schmick were concerned with the healing of boils and small carbuncles. Buchenwald was given the assignment to furnish sick men as subjects to test this method. The results were positive; many boils could be healed much quicker this way.

"In reference to 3: In the nutrition experiments with Saemigmark, an additional fungus supposedly containing 50 percent albumen was administered. It was a by-product of the process of making unfinished cellulose to remove excess sulfites with lye solutions with which nothing can be done. It was gained by a complicated procedure.

"In reference to 4: The interests of Sturmbannfuhrer Dr. Hans Dieter Ellenbock lay in about the same direction as those of the nutrition experiments. His job was, in the case of frequently occurring diseases or complaints about the conditions of the prisoners, to investigate and find the cause. He was appointed by the chief hygienist, SS Oberfuhrer Professor Dr. Wugowsky, to visit the various sites where building and armaments construction jobs were to be carried out. Many times these places were far underground, hard mining work had to be done, the distance to the place of work was too far and difficult shoes were impractical and unserviceable, clothes not sufficient, so unnecessary colds occurred. Also, the question of inspection, the distribution and receiving of food, recreation and time off and shelter came up. All these things may be contributing factors towards the recurrence of a disease of a similar condition on a work detail. Experiments with nutrition in regard to this problem were to be started in Buchenwald, but then called off in March 1945 due to the progress of the war.

"Further experiments with human beings were carried on in block 46, which was affiliated with the Hygiene Institute of the Waffen-SS, Department for Typhus and Virus Research. Its head was Sturmbannfuhrer Dr. Erwin Ding, later Schuler, who did not work under me."

I might explain to the Tribunal at this time that in the further prison-

tation of this case in chief we will be dealing a great deal with the name "Dr. Ding, later Schuler." He carried the name Ding until 1943, and at that time he changed his name to Schuler. His stepfather's name was Ding, so he bore the name Ding the greater part of his life; and then, in 1943, he bore the name of his own father, Schuler. So from time to time you will see reference to Ding and to Schuler, and it is one and the same person.

"I therefore never mixed myself up in the affairs of the Institute. Later SS Sturmbannfuhrer Dr. Schuler requested me to represent him during his frequent absences from Buchenwald if a signature was urgently needed. Of the activities of the Institute, I only know that after vaccination with the various vaccines to be tested, the prisoners were infected with typhus. Then if a prisoner died, his case history was not sent in to the hospital, but collected for scientific purposes. Only a short notation was made on his card that the man had died in Block 46. On order of the Reich Physician SS, the cause of death on the prisoners' records was changed to something else, such as pneumonia, pleurisy, or inflammation of the kidneys. As far as choosing the prisoners for the experiments went, I am acquainted with the fact that many prisoners, especially from among the security prisoners, volunteered.

"On order of Aufgruppe D, professional criminals were transferred from other camps and sent to the experimental laboratory in Buchenwald. I was asked by ss-Sturmabfuhrer Dr. Schuler to help pick the victims because he did not choose to enter the limelight. A man from the Criminal Police Department of the Reich, a Kriminalrat Otto, appeared for this purpose. Only such prisoners were picked who had more than 10 years in prison, were under 40 years of age, and who were able to meet the physical requirements of an SS man. Such examinations took place two times, each time 20 to 30 prisoners were picked. I very seldom had a chance to visit block 45, only when there was an inspection in which I took part. Only twice was I there and within a few days in order to observe patients. That was when, to comply with Dr. Schuler's request, I went to observe the effectiveness of his vaccine. He then asked me to continue the observations because he had to leave within the next few days. I then did that. I cannot give the number of deaths among experiment patients, in block 45, but I imagine that during the beginning there were more deaths than towards the end. I estimate the number of deaths recorded during the time I worked in the hospital building to be between 40 and 50.

"Another experiment of SS-Sturmabfuhrer Dr. Schuler was with a poison which the Russians supposedly used against Germans in Russian territory when they wanted to get rid of them. SS Sturmabfuhrer Dr. Schuler, as far as I know, had orders from the chief SS hygienist, SS Oberfuhrer Prof. Dr. Joachim Dugowski, to study how this poison takes effect and to use prisoners for the experiment. I don't know how prisoners were chosen for this nor upon whose orders. One day he asked me to visit the crematorium where the experiment was to take place. There were, as far as I remember, 4 to 6 prisoners. When I got there the poison had already begun to take effect on some. This was visible because the victims threw up, had stomach cramps, and their faces had begun to discolor; one was unconscious; with the others there was less effect to be observed.

"Since I had little time, I left soon and sent a Medical NCO down whom SS Sturzbannführer Dr. Schuler had requested. How the experiment continued, I don't know; I only heard later that all the prisoners had died. Another responsibility of being camp doctor was everything that had to do with disinfection. The system of having a man in charge of hygiene in each block was new to me. Their job was to check cleanliness, haircuts, and twice a week to check the men for lice. There were also many fleas, which had been imported by large transports of Frenchmen, but they were gotten rid of quickly. Bugs were imported toward the end of 1944, from infested barrack parts of camp Plaszow, which was being evacuated at the time. Infested barracks were immediately disinfected and prisoners used for this purpose had to wash themselves thoroughly every night. In spite of that, bugs were later found in some of the barracks."

Now the rest of this affidavit, as I have said, will be of interest to the Tribunal but at this time I will not read any more from it, it merely gives conditions, some of the situations existing in the camp, new arrivals of various transports, and other details. I will now ask the Tribunal to turn to Page 46 in your Document Book. This is a deposition of JADWIGA KATINSKA, Document Number NO-876.

DR. SCHUL: (Counsel for the Defendants Fischer, Gebhardt and Oberhauser): The Prosecution is about to read 9 affidavits by former inmates of the Concentration Camp Ravensbrück. I object to the admission of these documents in evidence. I make the following explanation of this objection: First, my panel case is ruled by the principle of direct evidence. This means that on principle witnesses must be examined before the Court and only in special exceptional cases can an affidavit replace evidence before the court. The Prosecution has already agreed to this principle to the extent of calling 4 witnesses and examining them on the same subject, that is, the sulfanilamide experiments. These witnesses and other documents which have already been submitted, have completely cleared up the fact. The admission of 9 further affidavits

would, in my opinion, not help the Court in determining the truth. Second, the contents of these affidavits, in part, go far beyond what the 4 witnesses have already testified to here before the Court; completely new statements are made in them. The Prosecution was perfectly free to select those of the 13 witnesses whom they thought most valuable. They selected the 4 witnesses who were examined and thus indicated that they considered the testimony of these witnesses especially valuable. Otherwise, instead of these 4 witnesses they would have brought experimental subjects before the Court from whom they now intend to submit an affidavit. Third, the contents of the 9 affidavits are not only in contrast to part of the testimony which the 4 witnesses gave before the court, many of the affidavits are contradictory in themselves; they deviate considerably from one another and contain contradictions. If these contradictions are not cleared up there would not only be nothing gained in the determination of the truth but this task would be made much more difficult. Fourth, several of the witnesses who have given affidavits which are now to be submitted did not themselves participate in experiments and their knowledge is only hearsay. In several cases it is not clear whether the witness is only expressing an assumption or whether she has personal knowledge of the subject. Fifth, the 4 witnesses previously examined testified essentially to the same material. The admission of 9 more affidavits, as far as the evidence is material under the Indictment, would add nothing to the evidence, it would be cumulative. And finally, for the admission of these affidavits in evidence there is all the loss cause since the defendants accused of sulfanilamide experiments at Ravensbrueck do not deny these experiments. The affidavits of the defendant Fischer made that quite clear; furthermore, the Prosecution has several affidavits from the Defendant Gebhardt, which also shows this quite clearly. That is all.

MR. HARRY: In this regard, Your Honor, I might add that I can see no reason for the omission of these affidavits as they contain further information into the circumstances existing at Ravensbrueck. These affi-

affidavits were obtained by the British War Investigation Teams.....

(German translation not coming through, Mr. Hardy is halted.)

I will repeat that I felt that those affidavits add something to the Prosecution's case, not merely cumulative evidence, and that they are fully admissible under Ordinance No. 7. The affidavits were obtained in official course by members of the British Army of the Rhine. I must admit that they may be damaging to the defense and to the defense counsel's clients but I see no reason why we should omit these affidavits at this time. We have here approximately 9 or 10 affidavits. Each time we have to submit an affidavit we have the same objection. Now it is impossible for us to get all these witnesses here to be examined and cross-examined, due to the fact that transportation facilities are what they are. Some of these witnesses are from Norway, France, Poland, Belgium, etcetera. I have made every effort to get witnesses here and did bring 4 to be observed and to be examined and cross-examined. I feel that this objection should be overruled at this time.

JUDGE SEBBING: Do you have there the originals?

MR. HARDY: Yes, I do, Sir.

JUDGE SEBBING: Will you hand them up, please?

MR. HARDY: I might call to the Tribunal's attention that these originals, these are copies - you will find are certified by Major Watt who has been here with us and are in various languages, French, Swedish, Polish and so forth. Your Honor will note that in each affidavit there is a certificate by Miss Radcliffe of the Documentation Division. That basis for that certificate is based upon a certificate which she has in her hands made by Major Arthur Kieth-Watt which accompanies each one of these affidavits. And when the document is admitted into evidence here, she makes out a certificate showing where she received from a supposedly authentic copy. And we have available the certificates of Major Watt if the Tribunal wishes to see them.

JUDGE SEBRING: Wouldn't we save time in each case when documents of this kind were handed up for reception if there was also enclosed that certificate so that the Court might have it before it.

MR. HARDY: That is very true Your Honor. As we pointed out in the first instance, when in the presentation, how we would follow our procedure, we stated that we would use those affidavits certified by the clerk in the Documentation Division. However, if you want the original certificate in each case, they can be produced; but some difficulty does arise due to the fact that it is, say for instance, we delivered three, four or five affidavits from one source. We will not require them to make out a certificate for each one. We will have them make an accumulative certificate stating all four or five, and we may put them into evidence at different times.

JUDGE SEBRING: Yes, but that accumulative certificate, the several affidavits will certainly be identified, will they not?

MR. HARDY: Certainly, yes, sir.

JUDGE SEBRING: I believe that procedure might expedite the case.

MR. HARDY: In that case, we will deliver them as soon as possible.

THE PRESIDENT: Here is a document No. 874 which does not show the signature of the affiant that I see. It reads, "Before me, Arthur Kieth-Watt....." This copy doesn't show that the affidavit was ever signed.

MR. HARDY: Could I see the copy, Your Honor?

You will note, Your Honor, on the second page of this affidavit it says, "sworn by the said deponent, Dr. Sullfamatski (?), voluntarily, Stockholm, Sweden, July 2, 1946." Now, this, is, as I stated, is a certified copy by Major Matt. I presume in this case he only signed the original deposition. This is a carbon copy as you will note, and Major Matt has sworn to this and we have it attached here on the document sheet. This comes in the official course of business and so forth of the War Crimes Section of the British Army of the Rhine.

THE PRESIDENT: My point in connection with this document was while it is stated to be a copy, it does not show the signature of the affiant. The Tribunal will permit the reading of the documents and reserve the ruling on the admissibility until later.

JUDGE SEBRING: It is understood, of course, the Prosecution is going to submit for the inspection of the Tribunal, the underlying certificate made by the British Investigating Officer?

MR. HARDY: That is correct.

JUDGE SEBRING: The Court then will reserve its ruling until that time.

MR. HARDY: At this time, I will read this document into the record and will give it a Prosecution Exhibit Number for the purpose of convenience and then the ruling at a later date can take place. This Document is WD-876 which will be Prosecution Exhibit No. 235 - 225, pardon me. As I stated before this is an affidavit of Jadwiga Kaminska. This was taken in Brussels before Major Matt and states as follows:

"I, Jadwiga Kaminska, 24 Avenue de l'Yser, Brussels, make oath and state as follows:-

"I was arrested on 18 March 1941 and arrived in Ravensbruck on 27 September 1941 and left the camp on the 16 April 1946.

"I was twice operated on during my stay in the camp. The first time was August 15, 1942, in the second group of prisoners to be operated on;

the following were operated on with me: Kormanska, Zofia; Kaminska; Zofia; Karolowska, Vladyslawa; Jurkowska, Alicia; Karwacka, Ursula; Dancka, Yanina; Iwanska, Krystyna; Karsmann, Maria.

"In the morning of the same day we were operated on we were all sent to the Revier not knowing what was to happen to us. Five of us were sent to one room and the two Iwanska sisters and Karwacka to another. On arrival we all had baths and were given small hospital shirts and blouses. We had no medical examination and were given nothing to eat. When they were taking us to the operating theatre I fought to keep out but was held down by the nurse Ericka and two other nurses in the corridor whilst Dr. Rosenthal gave me an anesthetic by injection in my arm. Just before I had the injection I saw Gebhardt in the corridor and I also recognize him on No. 3 in the group of photographs. I also saw Dr. Oberhauser going into the Operating theatre. When I came round, I found that all of us had been operated on and that my right leg was in plaster up to the knee, three days later I was taken to the Dressing Room and my face was covered with a sheet so that I could not see what was going on, I recognized the voices of Oberhauser, Rosenthal, Schidianski and there were several others there whose voices I did not recognize. I heard another Doctor who I believe removed plaster and for instruments.

"Immediately after the operation I had a temperature of 39 degrees, the first week after the operation it varied between 38 and 39. When I was sent back to my block three weeks after the operation I still had some fever and felt very weak.

After the first operation Gebhardt came into the room where I was having my dressing changed with several other doctors and talked about the operations and said they were "Military operations". I recognized Gebhardt when he came into the room.

"About a week after my first operation, Rosenthal came into our room drunk. He asked him why we had been operated on, he answered "because you are young girls and Polish Patriots." Oberhauser was also asked the

some question. She answered that the operation had been ordered by the Gestapo. Dr. Fischer advised us to ask the Senior Doctor, Schidlowsky, why we had been operated on, but after that we never saw Schidlowsky again.

"I was in great pain after the operation, the first two days we were offered a medicine but refused to take it after which we were offered nothing.

"About a week after the operation I first saw my wound which was about 10 cms. long and 5 cms. wide and full of green pus and very inflamed. It is now 10 cms. long and about 3 cms. in width.

"Three days after my first dressing the second one was done under similar circumstances as the first, but I managed to pull the sheet off my face for a few seconds and saw Dr. Fischer who was doing my dressing.

"I was operated on the second time on 13 September 1942, with five others who were: Wojtasz, Wanda; Tkowska, Polagis; Gons, Maria; Kuzinska, Jadwiga; Karolowska, Wladislawa; Karwacka, Ursula.

"The day before the operation I was again put in the Revier and had a bath and then salt compresses were put on my wound by the nurse Bricks and another nurse. Before the second operation I was given something to drink which made me sleep and consequently know no details of the operation.

"When I came to from this operation I had much more fever than the first time; we were given something to drink three times a day to alleviate the pain but it had little effect; in the evening, however, Oberhauser gave us morphine injections. We were not in plaster after the second operation. The first two times my dressings were changed by Dr. Fischer and afterwards by Schidlowsky and Oberhauser and also by SS nurses.

"After my second operation I stayed in the Revier three months, during all that time I had fever and felt very weak and I was given no care.

"When I left the Revier three months after that operation my fever had almost gone but my wound was still open. Before I left the Revier Oberhauser had a look at my wound, and said I was fit to go. In March 1943 my leg was still discharging pus.

"In February 1945 the order came out that all of us who had been operated on were to remain in our blocks. We knew this meant we were to be liquidated.

"I went to the Bureau and spoke to Bina and Swarshuber; they told me that as we were still weak we would be transferred to the Grossrosen camp. I said that that was not true but that we should be shot in the camp without being transferred.

"I demanded of Swarshuber that I saw Suhren; he said it was impossible. After a few days, however, I saw Suhren and told him that we would rather be killed in the camp than at Grossrosen. Suhren said he would do everything in his power to save us.

"My leg is now healed but gets tired very quickly and during the last three months I have had intermittent fever which my doctor tells me is due to recurrence of infection in my leg and also the glands in my right groin have become swollen. Signed J. Triga Karinska."

At this time, Your Honors, we now have all the original certificates signed by Major Mant. They have just been brought down from the document room, and in order to avoid confusion at a later date, at this time I will submit the certificates for your examination.

(The Tribunal examining certificates.)

MR. HAYM: All these certificates take the same form, Your Honors.

JUDGE SEERINE: Do you have one affidavit attached to each of the exhibits?

MR. HARDY: I have one attached to each exhibit, yes, sir. I believe you have all the affidavits before you now, Your Honors.

THE PRESIDENT: The certificates by the British officer, Major Mant, are original certificates and appear to be in order. The objection of the Defendants' Counsel to the admission of the affidavits is overruled. You may now mark Document No-376 as an admitted exhibit.

MR. HARDY: Thank you, Your Honor.

I now turn to page 50 of Your Honors' document book, Document NO-373, which is offered as Prosecution Exhibit No. 226. This is a deposition of Zofia Sokulaka:

"I, Zofia Sokulaka, of Lund-Sweden, make oath and state as follows:

I arrived in Ravensbrueck on the 21st September 1941 from Warsaw, together with 450 other prisoners. I left the camp on the first Swedish Red Cross transport on April 23rd, 1945. I had been arrested by the Gestapo on May 8th, 1941, as I was an active member of the Polish Resistance Movement.

During my stay in Ravensbrueck I was operated on experimentally on two occasions. There were another two attempts made to operate on me, which I thwarted. On the 1st of August 1942, I was told to report to the big Revier, with 9 other prisoners, by Helmi Bella, secretary to Hendl. At the Revier we were examined by Fraulein Doctor Oberhauser. After this examination I was told I was too thin and was sent away. The other 9 girls were subsequently operated on.

On September 21st, 1942 I was sent for again by Oberhauser, before whom I undressed, and after a purely visual examination she told me I was fit to be operated on. I told Oberhauser that a few weeks before I had been dismissed because I was too thin and that I had a weak heart. To this Oberhauser replied that it did not matter. I may add that between these two examinations by Oberhauser I had had no other food than the normal camp diet. Oberhauser then sent for a German internec nurse, Gerda Quernheim, who took me to room No. 4 in the Grand Revier. When I arrived at room No. 4 there were already three other Polish girls there who had already been operated on and were encased in plaster cast of both legs from the thighs to the feet. The names of these girls are:

Aniola Sobaleska, who had already been in there two to three weeks. This girl was afterwards shot;

Kristina Dabska, who had been there about a week;

Zofia Stefanik, who had also been there between two and three weeks.

I was sent to the bathroom, and after my return was told I would be operated on the next day. Before my operation SS nurse Frieda shaved both my legs, gave me an injection in the thigh and a glass of what I imagined to be morphine, to drink. The following is a description of SS nurse Frieda: She was about 1.50 metres tall, ugly, fat, bow-legged, wore glasses, brown hair streaked with grey, aged about 40.

I was later taken to the operating theatre by Lemurac Frieda and Fim Pautz. Present in the theatre were, when I recognize here: Doctors Fischer, Oberhauser and Rosenthal. There was also present an SS nurse whose name I do not know. I do know, however, that she had been in the camp only a short time. There was also present a doctor whose name I do not know, but I have seen him on subsequent occasions and understand that he was an assistant to Dr. Gebhardt.

My left leg was flexed fully at the knee and held in this position by bandage encircling my flexed knee joint. Dr. Oberhauser then put an

injection into a vein of my arm and told me to count while doing so. I counted up to 3 and then remembered no more until I woke up the next morning in my bed in room No. 4. I was told my operation had taken 3 hours. When I came out of the anesthetic I felt sick, but suffered from no pain or fever. My left leg was encased in a plaster cast from the foot to the top of the thigh. Oberhauser later came into Room No. 4 and told me that my operation had not been serious and that I should be able to walk in 11 days. Eight days later my plaster was removed by Doctors Oberhauser and Fischer. Doctor Schifflouski was present, but merely as an onlooker. I had a scar on my left leg on the outer part, back of the shinbone, about 10 cm. long and curved backwards about 2 cm. in its under portion. During this period after the operation I had no pain and no temperature. When the wound was nearly healed, the plaster was removed. About the 11th day after the operation my stitches were removed and I began to walk. I found my leg was very weak, but about three weeks later I was able to walk normally. Then I was able to walk satisfactorily Oberhauser told me I must start work again, and from the 21st October 1942 until March 1943 I worked in the Big Soviet rolling bandages.

On the 2nd December 1942 Oberhauser told me I was to be operated on again. I asked her why, and she stated she did not know but it had to be done. For my second operation Doctors Fischer and Oberhauser and SS nurse Dora were in the theatre. Oberhauser again gave me anesthetic, and during the operation the wound from my previous operation was opened up. When I came round from the anesthetic I found that this time my leg had not been encased in plaster but only bandaged. This second operation of mine I was told also took 3 hours. As after my first operation, the second one was followed by no pain or temperature. After 8 days Dr. Oberhauser removed my bandage and placed on a strip of adhesive plaster. On this day also I started to walk again. A week later I was sent back to my block, which was Block 15.

I should like to add that during and following both of my operations we were given no attention whatsoever. The dressings were dirty when they were changed, we were given no washing facilities, and whoever in the ward was most ambulant had to look after the sanitary arrangements for the others who were immobile in their plaster casts.

At present, as a result of my two operations, the only disability I suffer is a very weak left ankle.

In January 1943 two Polish girls who had been operated on were shot. Their names were: GNAS, Maria, and PAJACZO 'SKA, Janina. Suhren himself came to room No. 4 and told us that they were to be set free. The girls were very surprised, because their wounds were not yet healed and no one was allowed to leave the camp unless comparatively fit. A secretary of Langenfeld later came to room 4 with a slip of paper bearing the names of the 2 girls, and also on the paper was that they were to go to Lublin after they had been set free. A friend of mine who worked in the Labor Office, called Halina Strzelocka, later found a slip of paper with these two girls' names on, both followed by a cross and a date and the fact that they had died of heart failure. Another friend of mine who worked in the Revier called Geneshaft Bioga looked through the book containing the records of all those who died in the camp, and found these two girls' names followed by a date and the fact that they had died from heart failure. Now we learned that these two girls had definitely been shot, we sent a protest to the Camp Commandant, Suhren, but received no reply from him.

One day in March, when arriving as usual for work in the Grand Revier, I was told by Fritz Fautz that Oberhauser wished to see me again, as I was to have a further operation. On hearing this I immediately went from the Revier to my block, where I hid, and later, when Oberhauser's secretary came to look for me, my block leader said she did not know where I was. Following this, I tried to see Suhren personally. In this I was unsuccessful and was taken to Oberhauser's consulting room by the guard Knopf. In Oberhauser's consulting room there were present: Oberhauser, Schidlowski, and several girls who were working there, including Krzyzanska, Jolanta; Schidlowski struck me roughly and asked me why I had refused to come and be operated on, as I was going to be released after this next operation. To this I replied that this was not true and that I was going to be eventually shot and I would rather be shot before having another operation than after.

Schidlauski asked me why I was a prisoner in the camp, to which I replied:

"I love my country, I am Polish, and for that I am here." To this he made no reply and I left the room. Two days later Dr. Obermauser informed me that work in the Revier was to cease and I was sent back to my block.

"Between March and August no further experimental operations were performed in the camp. Experiments were, however, carried out on dogs, but about this I can give no information. In August 1943, ten of us were told to report to the Revier. As we knew we were wanted for further experiments, we refused to go. Bina told us that it was no good refusing, because if we did she would get SS male guards and dogs to bring us along by force. In spite of this, we attempted to hide amongst the other inmates but Bina and the camp policewomen caught us and led us off to the bunker. In the bunker, the ten of us were divided into two equal groups and each group of five was placed in a separate cell which was completely dark and had no furniture whatsoever. We were without food for forty-eight hours. After forty-eight hours the window was opened, so we had some light, and we were also given food. The five girls in the other cell, however, were operated on by force the day after we were taken to the bunker. The five girls who were operated on were: Halena Plasecka, Joanna Seydtowska, Stefania Siaklucks, Wladystawa Karolowska, the girl that testified here yesterday, and Halina Piotrowska. Those who were present with me in my cell, who were not operated on, were as follows: Zofia Kormaniska, Bogumila Borbinska, Polagia Michalik, Ursula Krawacka. After the other five had been operated on, a Dr. Klinck came in and examined our legs. The following is a description of Dr. Klinck: Aged 34 - 35, height 1.80 metres, fair hair, pale face and gray eyes. On the 11th day after our internment in the bunker, Suhren himself came down and told us we were to be released from the bunker. After the last operations, which were carried out in August and September 1943, the following girls were shot: Maria Ziolenka, Apolinia Bekowska, Armina Sobolowska, Rosalia Gutak.

"I have seen Oberhauser select patients during the time I was in bed following my second operation. Those patients selected were taken to a small room in the Revier. Later Oberhauser went into this room himself with either Gerd Quernheim or Mina Pautz. The women who had been selected and sent to this room were never seen again. It was generally thought in the Revier that they were given lethal injections by Oberhauser. I personally have never seen Oberhauser give these injections, but I have helped carry down the bodies of the people selected in coffins from this room shortly after their selection. These coffins were placed in a car which took them to the crematorium.

"Rosenthal, Quernheim and Pautz also gave injections. This method of extermination commenced shortly after a visit to the camp by Himmler, who is alleged to have said that the inmates of the camp were not dying fast enough.

"I have seen Schindler and Rosenthal personally beat patients with their fists, and also kicked them. I have personally seen the following beat up inmates in the camp: Kowal, Kopka, Lohman, Manil, Brich, Bina, Brauning, Skene (Skene was at one time block leader of my block No. 15, and she constantly beat the inmates), Opitz, Falcam, Raabe, Schraitter, Schreiber, Dr. Sonntag (Dr. Sonntag was a sadist; he used to beat old inmates of the camp, patients, and he also beat his wife, who worked in the Revier, because she drank. Zimmer, Rinkelmann selected several thousand people for the gas chamber, mainly during February and March 1945. From September 1941 to April 1942 the block leader in charge of Block 15, called Hermann Fubier, was extremely sadistic, and beat the inmates unmercifully. Another block leader called Knoll, of Block 24, also used to maltreat the inmates and caused considerable trouble by spying on them and spreading false stories. On February 4, 1945, we knew that we were to be executed, as the orders came that we were not to leave our block, and were sent to work outside the camp. We remained in our block until the policeman came to fetch us. After the policeman came for us we left the block and hid among the other inmates.

This was easy, owing to a large increase of internees, due to the evacuation from Auschwitz. We continued this existence until the liberation of the camp. I recognize the following people from the photographs shown me: Pflaum, Fischer, Suhren, Binz, Oberhauser, Rosenthal, Skane, Mory, Gebhardt, Treite, Winkelmann. (Signed) Zofia Sokulska."

Now turn to page 55 of your Honors' document books.

THE PRESIDENT: We will not proceed further with the admission of documents this morning. I shall now read an announcement by the Tribunal. In order that there may exist no confusion in the minds of counsel in the case now pending before this Tribunal concerning the status of exhibits offered heretofore by the prosecution. The Tribunal now states that all exhibits heretofore offered by the prosecution, to which objections by defendants' counsel were not sustained or taken under advisement for future ruling, are admitted in evidence, subject at final hearing or at any other time when the matter becomes pertinent, to argument by defendants' counsel concerning the probative value of any exhibit or any portion thereof. The Secretary General will record the admission in evidence of the exhibits.

It is also understood that certain exhibits which consist of official documents which are now a part of the official records of any other proceeding or official file, may be withdrawn, and official certified copies, whether photostats, photographs or any other appropriate form may be substituted for the originals.

The Tribunal will now be in recess until January 2nd, 1947.

(The Tribunal adjourned until 2 January 1947, at 0930 hours.)

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CORRECTED COPY

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al defendants, sitting at Nurnberg, Germany, on 2 January 1946, 09 30, Justice Seals, presiding.

THE PRESIDENT: The Honorable Judges of Military Tribunal 1.

Military Tribunal 1 is not in session

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, ascertain if the defendants are all present.

THE MARSHAL: All the defendants are present in the courtroom.

THE PRESIDENT: The Secretary-General will note for the record the presence of all the defendants in court.

The prosecution may proceed.

THE PROSECUTOR: At the end of the session before the Christmas recess, prosecution was in the process of introducing evidence concerning the experiments at the Ravensbruck concentration camp. We had completed the introduction and reading of Document NO 373, which was Prosecution Exhibit 226, and the next document will be NO 371, that is on page 55 of the English document book and will be Prosecution Exhibit 227. This is an affidavit of one Sofia Raj, and it reads as follows:

"I, Sofia Raj, 24 Avenue de l'Yser, Brussels, Belgium, being duly sworn, depose and say that on oath of Ed J. Seals, Judge of the War Crime Investigation Unit at Brussels on 12 August 1946.

"I, Sofia Raj, 24 Avenue de l'Yser, Brussels, being duly sworn, depose and say that on 7 February 1941, I came to Ravensbruck on 23 April 1941 and left the camp on 27 April 1945.

"The experimental operations were carried out on me during my imprisonment in camp. The first on 3 November 1941.



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The translation left out the year 1912. It so appears in the original.

"— and the second on 23 February 1913.

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"On the day of my first operation a list of 10 names including mine was read during the morning roll-call. We went to the office and asked Aufseherin Langerfeld what was wanted with us. She said she didn't know, but shortly after, we were taken to the Revier (hospital). On our arrival at the Revier we first saw Oberhauser who examined us rapidly in order to verify whether our heart and lungs were sound. After that, we went to the X-Ray department where our chests were radiographed and out of the ten of us only two were considerable to stand the operation and live through it, i.e. myself and EMILIE Maria (known in the camp as Irene). Fina Bantz then locked us in the ward-room with four other girls who had been selected before and were awaiting the operation. The names of these girls are:

She there lists the names, four Polish girls.

"Shortly after our arrival at the ward-room, Fina came with small glasses, she said they were containing morphia and that we should drink it. We refused to drink the liquid in the glasses, but Fina went out and came back with SS nurse IKA and both together forced us to drink the morphia. After that, we started feeling dizzy and sleepy and we lay down, then Trika came and gave us a morphia injection. The four girls who were already there had received these injections twice a day since their arrival two days before, and they were feeling very sleepy. After the injection, we were taken to the bathroom where we were washed and Trika shaved our legs. When I came back, I was under the effect of the morphia and lying in bed, realizing only from time to time what was going on around me. I saw, however, the girls coming back to the room after the operation. Then they came to take us to the operation room, Eschiel and I screamed and struggled. Rosenthal put his hand over my mouth and I bit him hard.

"Gerda and Fina came and put me by force on a rolling stretcher, I was too dizzy to fight any longer. I was taken through the hall to the operation room, and through the open door, I saw Dr. GEMMERT, STERN, and

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and put his hand over my mouth. Nurse Dore told me not to be afraid, for in a few minutes I would see flowers and hear bells. While I lay on the stretcher, a man from the Political Department, whose name I do not know, came and took our names and numbers given to him by him. My operation lasted for 2 hours 45 minutes. This was noted down by one of my friends who was working in the dental department of the Zovier.

"I recovered consciousness later on in the evening and I noticed that I could not move because my legs and arms were in a plaster-cast. I was suffering terribly and I screamed with pain, so that Nina came and gave me another glass with morphia. Then I fell asleep.

"When I woke up the following morning I was given morphia again. At 11 o'clock SCHIDLAUSKI and OBERHAUSER visited us. Oberhauser touched my plaster cast to see whether it was warm and after that she moved my toes. This caused a bad pain in the legs. I asked SCHIDLAUSKI why my legs hurt so much. He did not answer. Oberhauser asked him what she could do to relieve my pains. He replied 'Don't operate on them and they won't suffer'. Then he left the room.

"Schidlauski came every morning at 11 o'clock for two weeks and he brought us sedative tablets, when he could not bring them himself, he ordered Nurse Dore to do it. He told her, however, not to say anything about it to Oberhauser who was obviously stifling our pain sensations. Oberhauser told us herself that she could not give us anything to relieve our pain because it would delay the healing of our legs."

"For six weeks my legs were re-injected every two weeks.

"After four weeks the plaster-cast was taken off by Oberhauser. The plaster-cast was not supposed to be taken off so soon, but they had to do so because there were little black insects in the wool filling of the plaster-cast. I was not allowed to move after the plaster-cast had been removed.

"I did not leave the Zovier between the first and the second

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operation.

After the first radiograph which followed the first operation, Dr. Hoske told me that 5 centimeters of my left paranasal had been removed and about

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5 or 6 of the right paroneus. About 10 centimeters of periosteum of both shinbones had been scraped and five holes had been made as deep as the marrow on the right shinbone and six on the left shinbone, also as deep as the marrow.

During the first six days after this operation I had over 40 seizures every day and afterwards only a slight fever from time to time. I also had bad heart trouble and they gave me Coramine for it.

"The food given to us at the Talar was the ordinary food of the camp. Our friend, however, stole additional food for us whenever it was possible. "Tina was expected to take care of us, but she merely took our temperature, and another girl helped us wash up and took care of us generally. None of us in that room could move.

"GUTHRIE" came to see us at the end of 1941, before Christmas. He asked us to give him all the details and promised us that there would be no more operations in the camp and that he would go to Berlin to stop all of this officially. He also gave order that we should not look into the SS kitchen, but the Aufseherinnen (female guards) didn't carry out this order. I heard him say later on to a German inmate called Mrs. Schubert (she was the wife of Hitler's adjutant who had been killed by a bomb at the "Veich" attempt in 1935 or 36), "he was sick at the Soviet, that he would do everything to have these operations stopped."

My second operation was carried out on 23 February 1943. As I had not at my mind my first operation I was too weak to resist. Huska came into the room with Schmidlausch before the operation and asked me what was going to be done. He answered that he didn't understand anything about these operations and that he didn't approve of them. He then asked Huska what had been done with me before and she told him what she had seen on the radio-graphs.

"The second time I was operated on by Becker who had come out in the hall to see if I was the person he wanted to operate on because the week before, February 16, 1963, I had been sent to the operation room by mistake and

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after Fischer had seen me, he said I was not one of the persons he was going to operate on that day. Koska told me later on that during this second operation my legs were opened up again and that the gaps between the two halves of the peroneus had closed by about 1 centimeter. During the operation an other piece was removed from the four ends of the peroneus, but nothing was done to the shinbone. After that my legs were sewn up again, but a curved needle and about 20 centimeters of silk thread were left in the wound of my left leg. This gave me terrible pains later on and was removed by Troite in February 1945. Troite did not want to do it saying that he was not allowed to touch my legs, but then he changed his mind and did it. I had this needle and the thread for weeks, but I lost them when I left Ravensbruck.

"The anesthetic was given to me the second time by nurse DORA.

"One week after the second operation I was told that I could try to walk. As it was not possible, I was given two walking-sticks and only 5 months later could I walk without these walking-sticks.

"At present, my legs hurt:

1. When I go downstairs.
2. I cannot run because my toes slip.
3. When I sit my feet in hot water they contract and shake.

"At the Ravier I saw a German woman who had been operated on by Raschall and Garde. She was then about 8 months pregnant. In the operation room they did something to her which killed the child. As she went on bearing the child the body of the child falling into decomposition had an odor which made it impossible to stay in the room. They then operated on her to try to remove the body of the child piece by piece, but in the meantime she got typhus and was transferred to block 11 where she died.

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Rosenthal and G. rda often operated on pregnant women.

"I also saw Rosenthal come into the room at night with the syringe in his hand and the following morning several persons had died in a room of the Ravier called "Stuebchen" where Rosenthal had taken them and given them a deadly injection.

"I saw Oberhauser beating up and throwing out women who had come to have their legs looked after which had been badly cut during their work. She did not give them any treatment.

"I recognize the pictures of FISHER, GERTHART, OBERHAUSER, ROSENTHAL, GUSLIN, BINE and WINE among the photographs which have been shown to me. Sworn by the said deponent Sofia Raj voluntarily at Brussels on 12 August 1946. Before me, Major Arthur Keith WEST, MC, Investigation Officer detailed by the Commander in Chief, British Army of the Rhine."

The next document is along the same line, and is an affidavit by another one of the victims of these operations at Ravensbrueck, and this is Document No. 287, which will be Prosecution's Exhibit No. 220.

"Deposition on oath of Janina Imaska, female of 77 Avenue Wilson, sworn before Major ARTHUR KEITH WEST, MC, War Crime Investigation Unit, SAC, at Paris on"

And the date appears at the end of the Document - 24 June 1946.

"The witness has been informed that she can speak freely and need not answer the questions asked, as her statement should be voluntary and spontaneous. The witness being duly sworn, deposes and says:

"I arrived at the Ravensbrueck camp on 23 September 1941 with 7000 Polish women. I had been arrested because of participation in resistance operations.

"On 15/9/42 an experimental operation was carried out on me in the camp.

"That morning, after roll-call, we had to go to the showers. Nurse Brink gave us a morphia injection. Dr. Oberhauser was then present at the Ravier (Hospital). Nurse Berda gave me Dripan. The operation

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was carried on by Dr. Gebhardt and Dr. Fischer. As I had been given
an anesthetic and as I

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was unconscious I did not see Dr. Gebhardt in the operation room, but the four camp inmates who saw him carry out the operation told me about it. I also heard him say himself later on that he had operated on me, as well as 9 other prisoners, of whom I shall speak later. I lost consciousness before being taken to the operation room. When I asked Dr. Oberhauser why I was going to be operated on she replied that, since I belonged to the Polish resistance, it gave the Germans a right to carry out experiments on me.

"The first dressing of my wound took place two weeks after the operation Dr. Gebhardt did it. At that time I had about 41 degree Centigrade fever. My leg was in a plaster cast from hip to ankle and I could not move. Marie Trike took care of me and of those who had been operated on at the same time.

"By order of Oberhauser, we were given neither medicine nor morphine. At the first dressing of my wound Dr. Gebhardt, Fischer, Oberhauser and Rosenthal were present. The plaster-cast was removed after an incision another could see a deep hole in the bone, about 20 centimeter long. The wound was very dirty and filled with pus. The whole leg was very red. I could not move the knee. In the wound I could see a small piece of metal which seemed to be wrapped in cloth. Dr. Gebhardt took it out and put it in a basin. He cleaned out the wound and put Iodanal, white powder and vasoline on it. My leg was then put back in the plaster-cast up to the knee with an opening around the wound, so that the pus could flow out. After this dressing I had less fever for some time, but a week later the fever went up again. My knee was very much swollen and there were long red lines along my thigh, there was a heavy discharge of pus from the wound all the time.

"When I asked Dr. Oberhauser to dress my leg, she refused. But after a few days the wound looked so bad that she consented to dress it. She closed the door of the Eviator, removed the plaster-cast and cleaned out the wound, putting only vasoline on it, then she put back the old plaster-cast. During all this time and despite my pains, I was given neither

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morphine nor any other medicine to relieve them.

After another examination all the girls who had been operated on at the same time as I were placed on beds in a room and covered up with sheets.

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leaving only the legs free. Then about 10 or 12 physicians came to examine our legs one after the other. I could not understand much of what they were saying because they were using medical expressions, but I heard Cobhardt say to the other physicians that he had operated on me himself. Among the physicians present were Dr. Cobhardt, Fischer, Rosenthal, Oberhauser and Schidlowski. All the physicians examined our legs and Oberhauser gave some kind of a lecture about mine. After that, my leg was dressed again."

"Shortly after Schidlowski told us that he would have to cut off my leg. I protested and refused. He then stretched my leg which had been bent so far and placed a sandbag over my knee. The plaster-cast was removed and the wound dressed. Two days later Oberhauser dressed the wound which was still suppurating and the fever disappeared gradually."

"I stayed at the Ravier for two months and was then sent back to my block. My leg was still suppurating, the wound had not healed yet."

"In summer 1943 my leg started to swell again and I again had a high fever."

"I asked Treite to operate on me. He refused saying that he did not want to carry out any dirty operations and that Dr. Gebhardt could do it if he liked to. Dr. Treite however, gave permission to a German female doctor, who was a prisoner, to operate on my leg. She cut it open along the old scar and found out that another wound had appeared underneath. The wounds were stuffed with cotton impregnated with vasoline. I stayed at the Revair for four weeks and Kurt dressed the wounds every second day. Afterwards I was sent back to my block. After two weeks the two new wounds had healed, and only the first wound was still open.

"After I had spent a week in the block the doctor came back and I was sent to the X-ray department to have my chest examined. There was nothing wrong with my lungs. A Polish female doctor, Zofia Macza, gave me Prostacil injections which did not help any. I had intermittent fever and was given pyraden injections (usually pyraden is given through the mouth). The pyraden had been sent by my father who had learned that an experimental operation had been carried out on me and who sent it concealed in packages. This treatment reduced the pain."

"In October 1943 I again had a very high fever and my leg again showed signs of infection. Treite ordered and infra red light treatment. For this treatment, I had to go to the Revair twice a day, in the morning and in the evening. After two months, I was sent back to my block.

"I stayed there until 4 January 1945, the day chosen for our execution. We knew that we were to be executed that day, because all those who had been operated on had been given orders not to leave the block and to remain at the disposal of the camp commander. Dr. Gebhardt had given to the Political Section a list with our names, stating that we were to be placed in the gas chamber. One of us succeeded in speaking to Gihren who told her that he had nothing to do with that, but that Gebhardt had taken all the decisions. We then hid in other blocks and took other numbers. Three French women and two Norwegian women accepted voluntarily to replace us in the lot which was to go to the gas chamber,

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so that we would be left as a proof of what the Germans had done to us.
I then succeeded in having myself sent to an ammunition factory in
Husted-Globar from which I escaped on 20 March 1945 and went to Hamburg,
where

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I said I was a Ukrainian and I worked on a farm. I had been injured during my flight. The wound had not been dressed for two weeks until it got infected and my leg also showed signs of infection again. I was then attended by a German female physician whom I told that I had been wounded in Stettin.

"On 1 May 1945 the British troops arrived at last.

"Dr. Gohardt was assisted in his work by a Polish prisoner. Her name was Helena Chelnicka. She used to prepare the operation room for the operations, she did not live in the camp but in Kohnalychen and she was a close friend of Oberhauser. Helena refused to examine the pus in my leg because she said it was too dangerous.

"Dr. Rosenthal was very cruel when he dressed wounds. Dr. Tchidianski was also very cruel, he used to kick the patients.

"Joanna Jayetowska, 7 Sarmata, Lublin, Poland, gave pictures of our legs and a report to a British officer.

"Jola Kryszewska, Eugenia Wicna, Isabella Stocinska, Jadwiga Kozlowska are the friends who stole large quantities of medicine for us.

"I recognize the photograph of the man No. 3 on the photographs 123-4 and 123-5, it is Gohardt. Photograph No. 1 is Pucilo, No. 3 is Pilecki. No. 9 is Rosenthal and No. 10 is Glano.

"The group of 9 prisoners to which I belonged had been given special numbers after the operation. The first three had number T1, T2, and T3. The following had T11, T12, and T13, and the last had T101, T102 and T103. I had T103."

Signed

"Jurek Janina"

In this affidavit, the court will recall that the first date mentioned in January 1945 was the day chosen for their executions; and you will also recall that the four Polish witnesses who testified here before the Christmas recess also testified concerning this day when an attempt was made to round up all of the so-called guinea pigs in the camp; and, how

3 Jan-IP-2-2a-Board (33D)

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they managed to escape through the confusion and greatly overcrowded condition, and were therefore able to live through it, and frustrate the attempts of the Germans to do away with them.

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I come now to Document No. NO-864 will be Prosecution Exhibit 229. This is an affidavit of Helena Plasecka. This is the second deposition on oath of Helena Plasecka, feml, of 77 Ave Wagram, Paris, amplifying her previous deposition.

"Sworn before, Major Arthur Keith Kent, RAMC, at Chase Bank, 41 rue Cambon, Paris on June 28, 1946.

"I have read the deposition of my friend Janina Iwanska, and can confirm what she says, although I was not with her all the time.

"On Sunday 14 August 1943, a list was brought into my block by Skene. My name was on the list and we were told to go to the Ravier to be examined by a doctor. There were ten names on the list."

She then gives the names of these persons among whom is Karolowski who was No. 4 and she was one of the Polish witnesses who testified here.

The affidavit continues:

"We had an idea that it might be for an operation so we decided not to go. Eventually we had to go and we saw an SS doctor called Klinok and a Polish girl who worked in the Ravier called Siwanska Isabella, who told us that rooms were prepared there for an operation, Klinok told us that we were going to work in a factory, and we told him we did not believe him, and returned to our block. Binz then came and gave us her word that we were not required for operations, and asked us to go with her to her office that she might read us a notice stating we were going to work in a factory. Then we heard from fellow prisoners that a group of SS had been ordered to surround our block and take us by force. We escaped from Binz's office and hid. Binz followed us and ordered us to come out, and when we did not obey she ordered some SS to take us by force. She then told us that as we had escaped from her office we were to be sent to the Bunker as a punishment.

"Binz told the SS woman who was in charge of the Bunker that we were to be put in cells, 5 by 5. The cells were dark. We decided that if we

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were to be operated on we would fight and resist as much as we could.
We were given coffee and bread that evening and the next morning, and
decided that if we were given no food at lunch time it would mean that
we were to

be operated on. We had no lunch. At about 1400 hours, SS Guards came in and took away my sister. I was very anxious about her and asked to be taken next so that I could find out what had happened to her. In the passage I saw trolleys of dressings and medical equipment and doctors in white coats. I then saw Dr. Trommer who asked me if I was willing to be operated on. I said I was not. The nurse Gerda then came speaking nicely to me and said she would give me an injection. I resisted and hit Trommer in the face and called him a bandit. He called some SS male guards who threw me on the floor and held me down while ether was poured over my face. There was no mark. I fought and resisted until I lost consciousness. I was completely dressed and my legs were filthy dirty from walking in the camp. As far as I know my legs were not washed. I saw my sister during this time unconscious on a stretcher, vomiting mucus.

When I recovered consciousness I found I had a metal splint on my leg from ankle to thigh. My leg was covered with dressings which were covered with blood. I was in great pain and was given no Morphine or medicine. The next day I was given an injection of Morphine by the nurse Karschall. I had no fever. After 3 days a Dr. Villmann came to see me. I was told by the nurse Walla that he had operated on my leg. He said that he was going to put me to sleep again. The dressings were taken off my leg, and it was perfectly clean. I was given Typan and 3 hours after I recovered consciousness; I had a fever of 41 to 42 degrees. The SS in charge of the bunker rang through to the Revier to ask what to do for my fever and they were told it was quite normal as my leg had been infected. I was in very great pain and given nothing to alleviate it. My temperature was taken every morning and when the dressings were taken off I saw that the wound on my leg was very dirty and running with pus. Dr. Villmann did my dressings. He was thin with medium colored brown hair, round eyes, regular nose, no glasses, about 1.74 m tall and about 34 to 35 years old. He was in SS uniform. I believe he was an assistant doctor at Hohenlychen, and was given his doctor's diploma after having operated on us. I was told this by the nurse Gerda.

"After six days in the Bunker we were moved to the Ravier. We were all in a filthy condition as our clothes and bed clothes were not changed. Four women contracted scabies, but I did not.

"Ten days later Villmann came with two doctors whose names I do not know to operate on me again. I was taken into the operating theater conscious, and saw that it was in a filthy condition. Pools of blood everywhere - they had just finished operating on one of my friends. I was given Typan and was about one hour under the anesthetic. When I came around I found my leg was completely encased in plaster except for a hole over the wound. I asked why my leg was in plaster and I was told that the Tibia bone in my leg was broken. Three days later the nurse Walla came and changed my dressings, and my leg started to hemorrhage. A comrade asked for an injection to stop the hemorrhage and Dr. Treite told Walla to give me one. I was also given some medicine to drink which I believe was the same stuff as the injection mixed with sterilized water. I was given no Morphine, although I was in great pain all the time. A comrade gave me some pills which helped me, but only for a short time.

"The next few days the bleeding had stopped but the plaster was filled with blood and had to be changed. Treite came to change the plaster and took me to the dressing theater where a Russian woman doctor changed it. My leg was not straight in the plaster and the plaster did not fit. I had fever for six weeks.

"Two weeks after my last operation two other doctor assistants of Gebhardt's came and operated on my right leg. The leg was put in a splint and the dressing changed twice a week. It suppurated badly and smelt very bad. I stayed in bed until Christmas when Treite came and told me to get up. I fell and broke my leg again. Several days later my leg was X-rayed by Treite's orders. I did not see the photos. Treite took the photos to the SS Ravier and I was told that Trommer had said that it was terrible to do an operation like that, and that he did not understand how anyone could walk with so little bone left to the leg. There was only 3 millimeters of breadth of bone left in the Tibia. A Polish girl, Sicinska Isabella, heard him say this. I started having fever again and small pieces of bone started

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coming out of the wound which was also open and suppurating. Every month my leg was X-rayed by Troite.

"I stayed in the Revier and in block 9 for 1 year. I then began to walk very slightly. I used two canes but it was very difficult."

"In February 1945 more bone started coming out of my leg—also more pus, and I started a fever again. I stayed in bed in block 9 and was given morphine 20 pills and 3 injections of Calcium by a Polish nurse. Troite gave the orders that I should receive this treatment."

"Among all the Polish girls who had been selected to be operated on there were four who had no operations, but only received injections. Their legs were infected and they were then treated with a serum which was a German invention called Fibentins. This drug was dark brown in color and very like Protosil."

"In summer 1944 all block 32 was ordered to go to the showers. There the German woman doctor Kurt did a gynecological examination of them all. This was probably to be a search for gold and jewels. Many of the younger girls suffered hemorrhages as a result of this."

If the Tribunal please, in assembling this document book they left off the last page of this Document No. 20-634 and I will have sufficient copies passed up.

The last page continues:

"In the beginning of 1942 there was an old German woman of about 50 years, wearing the green triangle on her arm, in the passage of the Revier. She asked Dr. Gorkhauer for some pills as she was ill and could scarcely move. Gorkhauer asked her why she was in the camp. As she did not reply Gorkhauer kicked her. The woman fell to the ground crying. Gorkhauer laughed and told her to get up and go away, and gave her no medicine. I was in the passage also, and witnessed this."

"In November-December 1941 in Revier 1, I saw Dr. Sonntag kicking and hitting sick people who had gone to the Revier to get medicine. I also saw Dr. Schildknecht do the same thing. The sick people were thrown

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out of the Revier having received no medicine. All these who had
less than 41 degrees

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of fever were not accepted in the Ravin.

"I recognize the same notes as Janina Iwanska except that of
Kono.

Signed Helena Masicka"

The next document is an affidavit of Dr. Edouard Medvedova-
Masicka, which is Document No. 10-875 and will be Prosecution Exhibit 230.
This is a deposition on oath of Dr. Edouard Medvedova-Masicka, female
of Prague IV Smetanova 1, sworn before Lieutenant Victor Black, U.S.
of the British Investigation Unit at Prague, 6 September 1945.

"1. I, Dr. Edouard Medvedova-Masicka, came to Ravensbrueck
Concentration Camp in a transport draft from Geyvein..."

Geyvein, near Torgau, is the Masicka Concentration Camp. "...on
19 August 1943, and I worked in the ravin as a Doctor Prisoner from
September 1943 until 30 May 1945. In the beginning I worked in the Depart-
ment for Contagious Diseases at Station No. 1 and the Ambulatory. Besides
this I was in charge of Bucking Block from the fall of 1944 until May 1945.

"2. Of the victims of experimental operations I nursed personally
Helena Masicka, who was suffering from chronic osteomyelitis after
complete operation of both shin bones. It was known to me that these
operations were performed under Professor Schmidt's supervision by
Doctor Fischer and a German Doctor Oberheuser from the SS-Jaegerstab Kommando, but I do not know which one of them had operated on Masicka. The opera-
tion was performed in the "kitchen", camp prison, where there was not even
the most primitive sanitary and even less aseptic installations. Her
general condition was good, but the defect in both bones rendered her
invalid for life. Before the operation Masicka was completely healthy.

"3. All experimentally operated women were placed in one block and
they were generally known as "rabbits", so that I saw the effects result-
ing after operations performed, in those women who had survived these
operations. In each case of abbreviation of limbs muscular atrophy of
the highest degree proving a grave injury of nerves during operations and

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Keep infrom score after those parts of medals that had been stored away.

4. From day reports of nursing personnel, with out any special schooling, I tried to construct the sorts of experimental operations:

"a. culture of virulent germs - streptococci, staphylococci, maybe even tetanus and gas phlegmon - were injected subcutaneously, intra-muscularly and even direct into bones. These were the attempts to produce experimentally Osteomyelitis. During the resulting sepsis the course of which was followed by everyday examination of blood picture and urine the effectiveness of new medicaments of the sulfamidite group was being tested."

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"b) parts of long bones, as much as 5 centimeters (fibulae at tibiae) were being removed and in some cases replaced by metal or left without connection. These operations should probably have proved the inability of bones to grow without periosteum.

"c) High amputations were being performed for example even whole arm muscles (translators explanations: i.e. arm with scapula and clavicle) or leg with osiliaca were separated. These operations were performed mostly on insane women who were immediately killed after the operation by quickly injected Evipan. As preparates gained by operations were immediately carefully wrapped up in steril gauze and immediately transported to the SS-Lager nearby, at Hohennlychen, it can be judged that they were to be used in the attempt to replace damaged body parts of wounded German soldiers.

"5. Operations were performed on one Yugoslav, 1 Czech, 2 Ukrainians, 2 German, and about 18 Polish women, of whom six were operated whilst force was used in the bunker with the help of SS men, 2 of them were shot after their operation wounds had healed. After operations no one except SS nurses were admitted to the operated persons, whole nights they laid without assistance, and it was not permitted after even the most intensive post-operational pains to administer sedative. Of the operated persons 11 died or were killed and 71 remained invalid for life.

"6. Report mentioned in paragraphs 3 to 5 was prepared on the basis of evidence given to me at Ravensbrueck in the autumn of 1943 by these fellow prisoners."

And she there lists six names of Polish women. I will omit the reading of paragraph 7, which is not pertinent to this case.

Paragraph 8:

"8. I have seen gipsy women prisoners enter and leave the X-ray cabins where they were sterilized by a method which according to my information has been tested in Orviadin. This method was based on injecting

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of an irritated solution in the uterus, most probably argentic nitricum
together with contrasting solution to make possible an X-ray check of the
performed operation. All sterilized women were immediately X-rayed after
this operation. I exam-

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ined these pictures with MU Dr. Mlada-Taufrova, and am, therefore, qualified to give evidence that the majority of cases above mentioned said filling penetrated into the ends of tubes (oviduct), in several cases even as far as into abdominal cavity. This sterilization was performed even on gipsy girls about 10 years of age. Only about the last ten were given a Kelen narcosis on the intervention of SS-nurse Gerda. I nursed these children all night after the operation. All these girls were bleeding from the genital and were suffering such pains, that I had to give them sedative secretly. In the morning before the appeal I transported with the help of girls working in the Revier these children to their respective blocks."

I also omit the reading of paragraphs 9, 10 and 11. The affidavit is signed "E. Medvondova-Mehodla."

I would like to ask the court to recall some of the evidence which we presented on sterilization experiments, and you will remember one of the methods which was called to your attention was called at the time the Klauberg method of sterilization, and I submit that the method being described in paragraph 8 of this affidavit is the so-called Klauberg method, and the affiant had received information that this method was tested in Oswiecim, and the Tribunal will recall we submitted reports and letters from Klauberg were showed very conclusively he was working in Oswiecim.

The Tribunal will also recall that one of the letters or memorandum, as I recall signed by the Defendant, Rudolph Brandt, stated it had been decreed by the Reichs Fuehrer that Klauberg should test his method at Ravensbrueck, to see how long it would take him to sterilize one thousand Jewesses, and I submit again that this paragraph 8 of this affidavit very clearly shows that Klauberg or one of his associates did in fact carry out sterilization experiments in Ravensbrueck.

We come now to Document No. 865, which will be Prosecution Exhibit 231, affidavit of Gustawa Winkowska, the second deposition on oath of Gustawa Winkowska, female, of Stockholm, Sweden, sworn before Maj. Arthur

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Keith, RAY.

Stockholm on 18 Sept. 1946.

I shall eliminate the reading of the first two paragraphs, the second is just two sentences, and will continue with the third paragraph:

"I have seen Rosenthal struggle with a healthy young Ukrainian woman whom they were trying to take to the operating theatre by force. The girl was struggling and crying for help. Rosenthal with the help of Gerda Guernheim gave her an anesthetic, she was then taken into the operating theatre where one of her healthy legs was amputated, I believe, by Dr. Fischer, as I saw him go into the theatre before the struggle I have just described. Immediately after the operation Dr. Fischer and another doctor whom I did not recognize left the theatre with a large parcel and went straight into a waiting car and returned to Hohenlychen. I know he came from Hohenlychen as the Revier was always warned before anyone came from Hohenlychen. I believed the parcel contained the amputated leg. This occurred during the time that experimental operations were being done on Polish girls.

"The woman who had this operation performed on her was looked in the Stubechen by the SS sister, a thing which never happened before, and later was given a lethal injection. The Sisters then put the corpse into a coffin, something else which had not happened before, and the Sisters took care that he did not open the coffin as we carried it to the car.

"Maria Kaczmarek, an interned nurse who had a key to the Stubechen went into the Stubechen and saw that the corpse had had a leg amputated above the knee.

"Under similar circumstances another Ukrainian girl had her arms and shoulder girdle removed. She was also killed by injections.

"Experimental operations were carried out in the camp between 1942 and 1943 on Polish women. These operations were carried out by Dr. Fischer except for the first day, they were performed, on that day Dr. Gebhardt did the operations. I saw Dr. Gebhardt himself go into the theatre. Oberhauser told us to just all leave the Revier that day as Prof. Gebhardt was coming to work. Two days before Prof. Gebhardt came we all had to make swears from pain for the operations, normally only paper swabs were used in the Revier.

"Gherhauer used to select the 'Guinea Pig' men members of the Dublin Transport of Police, she used to have them perched in front of the Dwyer and examine their legs. The anaesthetics for the operations were given by the SS Sister.

"Sterilizing by abdominal operations on German women was carried out by Dr. Treite, these women were antisocials, demented or insane. They were told that they would be released after the operation. I have heard Dr. Treite tell the women before the operation, I know, however, of no cases where a woman was released after sterilization.

"A doctor came from Auschwitz for a few days, possibly a week, and worked all day every day he was in the camp sterilizing gipsy children by Roentgen rays without anaesthetics. The children used to come out crying after being sterilized, asking their mothers what had been done to them. Treite sterilized a young gipsy child by abdominal operation on orders from Berlin. I saw her after the operation, she was about thirteen years old. Treite told me that gipsy children had to be sterilized when they were young as they could have children when they were fourteen years old."

(signed) Gustava Inowslta."

"I come now to two affidavits signed by Dr. Sofia Leszka, and the Tribunal will recall that in several of the affidavits which have already been submitted Sofia Leszka's name was mentioned as being one of the prisoner assistants in the hospital. The first is Document No. 231, which will be Prosecution Document No. 232.

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"I hereby swear and confirm by my signature that I am stating only the truth to the best of my knowledge. (Signed) Dr. JOSEPH Lofia, Seal of British Consul at Stockholm. Taken at the British Consulate Stockholm this 16th day of April 1946, before me H. L. Reid Brown, U. S. Consul. Seal of British Consular Section, Stockholm.

"Information about the experimental operations which took place in Ravensbrück Concentration Camp.

The operations were carried out in the period between the summer of 1942 and the summer of 1943. The operations were conducted in the camp hospital, which was called Bunker, under the direction of Prof. Dr. Gebhardt, SS Brigadeführer. Prof. Gebhardt was the Head of the Medizinischen Sanatorium at Mönchlychen (Mönchberg). The operations were conducted with the help of Dr. Fischer, who was Prof. Gebhardt's assistant. There was also another assistant whose name I do not know. The following camp doctors participated in this matter: Dr. Marta Gerschauer, Dr. Rolf Rosenthal, Dr. Goldilowski, all German sisters who were employed there at the time and also two German protective prisoners, Gerda Wernholm and Nina Lantz gave assistance. Polish political protective prisoners from the transports from Warsaw and Lodzin, numbering 74, were chosen as victims. All those who were chosen were young, healthy and well built. Many were college or university students. The youngest was 15 years of age, the oldest 48 years of age. The operations were to be carried out for scientific purposes, but they had nothing to do with science. They were carried out under horrible conditions. The doctors and the assisting personnel were medically not trained properly. Conditions were neither aseptic nor aclinic. After operations the patients were left in shocking rooms without nursing or supervision. The dressings were made according to the whim of the doctors with unsterilized instruments and compresses. Dr. Rosenthal who did most of the dressings, excelled himself in sadism. In the summer of 1943 the last operations were carried out in the 'Bunker' is the name of the horrible prison in the camp.

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The victims were taken there because they resisted and there in a cell their dirty legs were operated on. This was the 'scientific atmosphere' in which the 'scientific' operations were carried out.

"All operations were carried out on the legs and all under anaesthetic. The operations were divided into two main groups:

1. operations for infecting the patient. 2. Experimental aseptic operation.

"As to 1: The soft part of of the calf of the legs was opened and the open wounds were infected with bacteria which were introduced into the wounds. The following were used: staphylococcus aureus, oedema malignum, gas gangrene bacillus and tetanus. Veronika Kraska was infected with tetanus. She died after a few days. Kazimiera Kurowska was infected with gas gangrene bacillus. She died after a few weeks. The following were infected with oedema malignum: Aniela Lofanowicz, Zofia Klocol, Alfreda Prus and Maria Kusmierczuk."

The Tribunal will recall that Maria Kusmierczuk testified here.

"The first three died after a few days; Maria Kusmierczuk got over the infection. She lying ill for more than a year and became a cripple, but she lives and is a living evidence of the experiments. Mostly pyrogenic stimulants were employed. The wounds were stitched after the infection and serious illness began. Many of the patients were ill for months and almost all of them became cripples.

"Why did Prof. Gebhardt, with his education, carry out these experiments? To test the new drugs of the German pharmaceutical industry; mostly cibazol and albucid were used. Even tetanus was treated in that way.

"The results of the treatment were not checked, or if they were, it was done in such an inadequate and superficial manner, that it was of no value.

"As to 2: The aseptic, experimental operations consisted of: bone experiments, muscle experiments, nerve experiments.

2 Jan-12-JR-5-Saslar (13D)

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"The bone experiments were checked by X-Ray photographs. As ward attendant I had to do all the X-Ray photographs. In this way I was given the opportunity of gaining an insight in this matter. The following were carried out: (a) bone breaking, (b) bone transplantation, (c) bone grafting.

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Q As to (a): On the operation table the bones of the lower part of both legs were broken into several pieces with a hammer, later they were joined with clips (for instance Janiga Marcowska) or without clips (for instance Leonarda Rien) and were put into a plaster cast. This was removed after several days and the legs remained without plaster casts until they healed.

Q As to (b): The transplantations were carried out in the usual way, except that whole pieces of the fibula were cut out, once with periosteum, another time without periosteum. The most typical operation of this kind was carried out on Krystina Dabaka.

Q As to (c): Bone grafting. These operations were with the school of Prof. Gebhardt. During the preparatory operation two bone splints were put on the fibia of both legs; during the second operation such bone splints were cut out together with the attached bones and were taken to Hohenlychen. As a supplement to the bone splint operations such operations were carried out also on two protective prisoners who suffered from deformation of bones of osteomyelitis type. These two were not Poles, one of them was a German from the Jędrzejów witnesses group, Maria Konwitschka and the other was an Ukrainian, Maria Kretschan. It was interesting for Prof. Gebhardt to see how the diseased bones would react to such an operation.

Q The muscle experiments consisted of many operations, always on the same spot, the upper or lower part of the leg. On each further operation larger and larger pieces of muscles were cut out. Once a small piece of bone was planted into a muscle (this happened to Babinska). During nerve operations parts of nerves were removed (for instance Barbara Pytlowska).

Q What problem did Prof. Gebhardt and his school wish to solve by these experiments?

Q The problem of the regeneration of bones, muscles and nerves.

Q Was the thing carried out? No. It was not checked at all, or only

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insufficiently. I do not know what was done at Hohenlychen with those pieces of bone, muscle and nerves which were cut out and taken there.

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"What was the fate of the patients after they left the hospital? Almost all of the patients became cripples, and have suffered very much as a result of those operations. Even more severe was the moral torture inflicted on them as they lived under the conviction that they would all be shot in order that they should not be evidence of these murderous operations. The camp authorities - Commandant Suhren, Adjutant Braeuning and Oberaufseherin Hinz - ensured through their orders that the victims should not forget that they were condemned to death. In the meantime six of the patients were shot after surviving the operations."

She then gives an extended list of those who underwent the operations, and as far as she could remember them, together with remarks explaining what the operation was, and I do not think that it is necessary for me to read all of those names and comments; however, the Tribunal will note that the four Polish women who testified here are listed: Maria Brool-Plator, Jachiga Dzido, Maria Kusnierczuk, and on the last page Wladyslawa Karolowska. The affidavit continues on page eighteen of the English document Book.

"If I am to give an opinion of these operations, I must say that the operations were carried out because it was in the program of National-Socialist Germany to make experiments on protective prisoners in concentration camps and that these experiments were carried out on the level on which medical science and morals were prevailing in Germany since 1933.

"As a supplement to these operations I am submitting a description of 'special operations' which were carried out at the same time.

"A few abnormal protective prisoners (psychically ill) were chosen and brought to the operating table and amputations of the whole leg (at the hipjoint) were carried out, or on others, amputation of the whole arm (with shoulder-blade) were carried out. Afterwards the victims, if they still lived, were killed by means of cyanide injections and the leg or arm was taken to Hohenlychen and served the purposes known to Professor Gebhardt. Ten such operations, approximately, were carried out.

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During the whole time these operations were carried out I was employed as a worker in the ward and investigated this matter risking my own life, with the idea that it was my duty, if I were saved, to tell the truth to the world. I conclude my statement with two questions: What kind of recompense can the world offer to those who were operated on in such a manner? What kind of justice has the world for those who carried out such operations?

(Signed) Dr. Zofia Maczka, Stockholm, April 16, 1946

On the following page, a part of the same document and exhibit, are given certain particulars of the affiant ZOFIA WIESLAWA MACZKA, and it is particularly of interest for us to know, that she is a Doctor of Medicine and an X-ray specialist.

We have a second affidavit from the same woman. This is Document No.- 874, and will be prosecution exhibit 233:

"Second Deposition on oath of Dr. Zofia Maczka, female, of 12 Drottning-husvaegen, STOCKHOLD/Sweden, amplifying her previous deposition sworn before Major Arthur Keith MANT, S. A. M. C., at STOCKHOLD on July 2nd, 1946.

The X-ray apparatus in the Revier was sufficient for general purposes, being the usual military pattern.

To the best of my knowledge, Dr. GEBHARDT himself did not personally perform the experimental operations. He was, however, responsible for the organization and installation of extra requirements. I have heard him give orders concerning the operations to Doctors FISCHER, OBERHAUSER and ROSENTHAL. I heard this by listening through key-holes and generally spying during the time I was at the Revier. As I was ordered to do the X-rays by OBERHAUSER, and about X-ray photographs that were required by her, I asked questions about what had been done and she refused to tell me anything, but said that I was to carry out Dr. GEBHARDT'S orders.

The Germans would tolerate no new born children in the camp, anyway from the time that I arrived to the 31st Dec 1942, and to that date they were all killed at birth. I personally saw Gerda QUERNHEIM strangle one newly born child and generally presume that she has been responsible for the other deaths.

Fina PAUTZ was assistant to QUERNHEIM. She was a German inmate of the camp and was presumed to be in the camp for Communist activities. When QUERNHEIM strangled the child I have mentioned above, she handed it through the window to Fina PAUTZ who threw it into a bucket.

QUERNHEIM was in charge of the general cleanliness of the operation theatre, but it is extremely unlikely that she ever witnessed any operation.

Instruments were never sterilized properly for the operations in the Ravier. Gerda QUERNHEIM was in charge and could not be bothered to take the usual aseptic precautions.

The bacteriological cultures were brought from HOHENLYCHEN by Dr. FISCHER.

I saw the drugs Cibazol and Alkuzid being prescribed to the patients after they had been operated on.

I do not know who was specifically responsible for the execution, of the 6 girls. But Aniela SCBOLEWSKA had her execution postponed several months so that the necessary control X-rays could be taken of her leg. And Rosalia GUTEX was not executed for a considerable period because she was not well enough to be moved.

From the beginning of 1945, a doctor used to come down from BERLIN and perform sterilization operations on young GIPSY-girls. The apparatus he used was a high tension apparatus, but not X-ray. One electrode was placed over the abdominal wall in the region of the ovaries and the other was placed inside the vagina. I learned these details direct from the girls on whom this was done. The only description I can give of the man is that he 1,75 m in height. He was very fat, a strongly built and red-faced.

Two Czech medical students who were forced to work in the laboratory, used to carry out the bacteriological examination on the pus from the experimental women, either officially or surreptitiously. Their names are Mila SUPKOWA and Inka KATNEROVA. They are at present at PRAGUE.

I can only remember the name of one girl who worked in the dispensary who was a Polish girl Jadwiga TAYLOWSKA who is not a medical student at POZNAN." (Signed) "Dr. Zofia PACZKA".

MR. McHANEY: This document is sworn to before Major Arthur Keith PAINT, R. A. M. C., at STOCKHOLM, on July 2nd, 1946.

The next document in the English Document Book is a translation of a document which was introduced in Case No. 1 before the I. M. T. and is USSR EXHIBIT No. 406, and it consists, primarily, of photographs of the four

Polish women who testified in this case. And, since we have already introduced photographs made here in Nurnberg, I think it is unnecessary to introduce these additional photographs. However, the Court, under Ordinance No. 7, is at liberty to take judicial notice of this document, if they so choose.

I come, then, to Document No. 472, which appears on page 96 of the English Document Book, and this will be Prosecution Exhibit No. 234.

This is an affidavit by the defendant FRITZ ERNST FISCHER, and it deals, as we shall see, with a report made to a meeting of the medical academy in BERLIN in May of 1943. The report of the meeting was mentioned in one of the earlier affidavits of FRITZ ERNST FISCHER, which we have already introduced in evidence. This affidavit serves to amplify, and gives additional details on that meeting. It reads as follows:

"I, FRITZ ERNST FISCHER, being duly sworn, depose and state:

1. I am the same Fritz Ernst Fischer who has heretofore sworn to an Affidavit on the 19th day of November 1945, concerning sulfanilamide and other experiments on human beings in the Ravensbruck Concentration Camp.

2. For the same reasons set forth on page 1 of my Affidavit of 19 November 1945 I am able to make this statement concerning sulfanilamide experiments and especially the conference of May 1943 set forth on page 12 of my Affidavit of 19 November 1945.

3. At the conference of May 1943, which I described on page 12 of my Affidavit (last paragraph) to the best of my recollection, the following officials were present: Dr. Paul Rostock as Chairman of the conference; Dr. Siegfried Hantloser, who was then the Chief of the Medical Service of the German Armed Forces, who had sent the invitation for the meeting; Prof. Karl Brandt, who sat in the center of the front row; Dr. Leonardo D. Conti, the Reich Health Leader; Prof. Dr. Sauerbruch; Dr. Frei; and Prof. Heubener. The Medical Service of the Luftwaffe was represented by Dr. Hippke, who was the Chief of the Medical Service of the Luftwaffe; and by Dr. Oskar Schroeder. The Medical Service of the Waffen SS was represented by its Chief, Dr. Karl Benzken. Furthermore, there was Dr. Helmut Poppendick, who was the Chief of Staff of the Reich Physician SS and Police, Dr. Grawitz.

4. As I stated in my former Affidavit, no criticisms were uttered about experiments by any of these Doctors. There was a discussion following the lecture, in which Dr. Frei, Prof. Dr. Sauerbruch, and Professor Heubener participated but also on their part there was no criticism voiced.

5. It was made perfectly clear during the speeches made by Dr. Gebhardt and myself that the experiments were conducted on inmates of a concentration camp.

6. Six months after this, the 10th Anniversary of the Hospital at Hohenlychen, was celebrated. As guests of this celebration, Dr. Karl Brandt, Dr. Siegfried Handloser, Dr. Leonardo D. Conti and Prof. Dr. Sauerbruch were present.

7. When the sulfanilamide experiments started I was told by Professor Gebhardt, my military and medical superior, that these experiments were carried out by order of the Chief of the Medical Office of the Wehrmacht and the Chief of the Medical Office of the State, with the initial order from Hitler, and I must therefore carry out these orders.

8. Dr. Hartha Oberhauser and Dr. Schiedlausky did assist me in the sulfanilamide experiments.

9. As a result of these experiments, three people died."

THE PROSECUTOR: Signed "Fritz Ernst Fischer" This affidavit proves, beyond any peradventure of a doubt, that the features of these criminal experiments were brought home to the leaders of the German Medical World. As Fritz Fischer clearly stated in his former affidavit, it was admitted by these defendants that the experiments were carried on at the Concentration Camp, and they knew just exactly what it meant; the Defendant Karl Brandt was there; the Defendant Siegfried Handloser was there; Schroeder was there; E. J. ROSTOCK was there; HIPPEKE was there; Poppendick was there; Fischer and Gebhardt, of course, were there. They cannot, now, take the position that they were simply receiving information concerning an act which had already taken place. They cannot, so easily escape their responsibility! This was not information concerning a criminal act which was being brought home to people who had no interest in the matter!

4. As I stated in my former Affidavit, no criticisms were uttered about experiments by any of these Doctors. There was a discussion following the lecture, in which Dr. Frei, Prof. Dr. Sauerbruch, and Professor Heubener participated but also on their part there was no criticism voiced.

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8. Dr. Hartha Oberhauser and Dr. Schiedlausky did assist me in the sulfanilamide experiments.

9. As a result of these experiments, three people died."

10. MCNANEY: Signed "Fritz Ernst Fischer" This affidavit proves, beyond any peradventure of a doubt, that the features of these criminal experiments were brought home to the leaders of the German Medical World. As Fritz Fischer clearly stated in his former affidavit, it was admitted by these Defendants that the experiments were carried on at the Concentration Camp, and they knew just exactly what it meant; the Defendant Karl Brandt was there; the Defendant Siegfried Handloser was there; Schroeder was there; PAUL ROSTOCK was there; HIPPE was there; Poppendick was there; Fischer and Gebhardt, of course, were there. They cannot, now, take the position that they were simply receiving information concerning an act which had already taken place. They cannot, so easily escape their responsibility! This was not information concerning a criminal act which was being brought home to people who had no interest in the matter!

These people were in a position to clearly know a duty, and to know that it could not and should not happen!

The contrary was, as the proofs on the positive experiments will show, at this same meeting Dr. BING alias "Schueler" was giving a report about the Typhus experiments at Buchenwald. And the Defendant Rose will get up and tell you that he well knew that those experiments were nothing more nor less than MURDER! And he states that he so described them in this meeting. But that unfortunately his reports were stricken from the stenographic report of this meeting!

Be that as it may, the fact that Professor Rose states that he did object, makes it clear to this Tribunal that these gentlemen knew what was going on in these concentration camp experiments.

The next document --

THE PRESIDENT: At this time the Tribunal will recess for a few minutes.

7. $\frac{1}{2} \left(\frac{1}{2} \right) = \frac{1}{4}$

depose and state:

this statement may be used against me in court.

MEDICAL CONFERENCES

to furnish any details thereof.

to the 16th of May 1944.

were about twelve to fourteen different groups. These conferences

were attended by three to four hundred interested medical men. These persons were high military medical officers, high state officials, etc.

"5. At the Third Conference in May of 1943 held at the Military Medical Academy in Berlin, the Surgery Group was presided over by Dr. Paul Rostock. I participated in this conference with Dr. Gebhardt, in that I lectured on the results of our work with sulfanilamide at the Ravensbruck Concentration Camp. I have given the complete details of the Third Medical Conference in my affidavit of 21 October 1946, Document No. NO-472.

"6. At the Fourth Conference in May of 1944 at Hohenlychen the Surgery Group was presided over by Dr. Karl Behardt. As in the case of all conferences this Fourth Conference was ordered by Dr. Handloser and all consulting doctors of the Wehrmacht were invited. There were 324 physicians attending this conference. These doctors were billeted in various hotels and villas at Hohenlychen and some at establishments in the hospital. I think the list marked 'Document No. NO-619' is a true and correct list of the physicians in attendance at this Fourth Conference. The first list, consisting of six pages, is a list of the Army physicians attending this meeting. The second list, consisting of nine pages, contains the names of 324 physicians who attended this conference, and also states where they were billeted. I can recall that Buechner was at the Central Hotel; Roessle was at the Krankenhaus; Ostertag was at the Hotel Eichberg at Himmelpfort. I can also recall that I personally saw a great many of the other doctors and that I can verify their presence.

"7. The lists marked 'Document No. NO-619' is probably a representative list of those in attendance at all four of these conferences.

(signed) FRITZ FISCHER"

The list of names which begins on page 98 is Document NO-619 and it has been identified by the Defendant Fischer, in the affidavit which I have just read, as a list of doctors who were in attendance at the Fourth Medical Con-
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ference at Hohenlychen in May of 1944 and I submit this document as Prosecution Exhibit 236. The list is quite long and it would serve no useful purpose for me to read it in its entirety. However, I think it might be useful to mention a few names which appear hereon because, as Fischer has told us, this list is representative of those persons who attended the Third Medical Conference at which we have seen and will also see later on, that reports were made about these medical experiments on concentration camp inmates and it is here that we find, in fact, the very nucleus of our conspiracy. We have a typical meeting of conspirators. They come together, the most important medical man in Germany, and hear reports made by the men who conducted these medical experiments in concentration camps and they accept these reports without any objection and similar experiments, or perhaps the same series of experiments, continue after these reports are made.

On page 98 of Your Honors' document book, item No. 6, we see the name ANTHONY, Stabsarzt, Professor Doctor. The Tribunal will recall that his name was mentioned in connection with the low-pressure and freezing experiments at the Concentration Camp Dachau. Anthony was Chief of the Department for Aviation Medicine, first under Hipke and then for a very short time under the Defendant Schroeder, and the chief subordinate of Anthony was the defendant Becker-Freyseng, who also was in attendance at this meeting at Hohenlychen in May of 1944. His name appears as item No. 32. And was the SS-Gruppenfuhrer Karl Brandt, the Reich Commissioner for Health and Medical Services present? Yes, indeed. He was item No. 9 here, Brandt, SS-Gruppenfuhrer, Professor, Doctor. Being a high official in the SS, I assume that he was a most important figure at this meeting in an SS Hospital, mainly that at Hohenlychen. And the deceased Dr. Conti was there, as we see by the name listed after 38, Conti, also an SS-Gruppenfuhrer, Under-Secretary of State, and a direct superior of the defendant Blome. On the next page, No. 40, we see the notorious Dr. Clausberg, famous by virtue of his unique ability to sterilize Jewish women.

No. 53, Stabsarzt, Dr. Dohmen, whom Your Honors will recall was important in the Epidemic Jaundice experiments, with which the defendant Karl Brandt also showed more than usual concern. Dr. Dohmen, you will recall, was dele-

gated by the defendant Karl Brandt to perform jaundice experiments on those persons condemned to death at Auschwitz. The experiments were actually carried out at Sachsenhausen and Karl Brandt had Dohmen do this for him. We drop down to the bottom of the page and we find, as Item No. 80, Dr. Grawitz, Obergruppenfuhrer, Doctor. On the next page, No. 83, of course we find the Defendant Gebhardt, SS Gruppenfuhrer, and as Fischer stated, Gebhardt on this occasion was chairman of the meeting of the Surgeons' Section. The year before the Defendant Rostock had held that position but I suppose that since Gebhardt was in fact head of the SS Section of this hospital, that he was permitted to be chairman of this particular meeting. Immediately under Gebhardt we find the name Ginsen, SS Gruppenfuhrer. No. 87, Gutzelt. Gutzelt was one of the army doctors under the defendant Handloser. Gutzelt, as I recall, was also mentioned in connection with the epidemic jaundice experiments and his name will also appear in connection with the typhus experiments carried out by Dr. Hagen at Natzweiler.

On the following page, 219, Poppendick, SS-Standartenfuhrer.

No. 220, Rostrock, Generalarzt, professor doctor.

224, Rose, Oberstabsarzt, professor doctor.

232, Schroeder, Generaloberstabsarzt, doctor.

235, Schmidt-Brucke, Schmidt-Brucke was, as I recall, chief of staff for a time to the defendant Handloser, chief of the medical services of the Wehrmacht.

236, Schreiber. Of course you will recall that Schreiber was a very important figure in the Military Medical Academy and is shown in a prominent position on the chart drawn by Handloser.

The same holds true for Sauerbruch, 237.

I think that that completes the names to which I wish to call the Tribunal's particular attention, but by looking through here we see that we have a very remarkable representation of defendants at this meeting and I submit that these self same defendants were in attendance at the other meetings of the Military Medical Academy and had reports given to them. Some of these reports were of course familiar to them prior to the time that they were let out in these meetings. In any event, they received clear knowledge of what was going on in the concentration camps of Germany. It is difficult to imagine any more clear and convincing proof to support the conspiracy count of the indictment.

The second part of this Document, No. 619, that is beginning on page 106, simply gives the list of army doctors, who were ordered to attend the meeting at Hohenlychen and since they are also included in the list of 324 names, which I have already dealt with, it is unnecessary to study them here.

On the following page, 219, Poppendick, SS-Standartenfuhrer.

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This, if the Tribunal please, completes the presentation of proof at this time on the experiments conducted at the Ravensbruck concentration camp, and Mr. Hardy will continue now with the presentation of evidence on the blood coagulation and phlogemon experiments conducted at Dachau.

THE PRESIDENT: Counsel, did you offer in evidence Document NO-619? I didn't quite get that.

MR. McHANEY: That was 236, your Honor.

THE PRESIDENT: This is page 106.

MR. McHANEY: It's all part of the same document.

THE PRESIDENT: Was that offered in part?

MR. McHANEY: I see what gives rise to the confusion here. That is all part of Document NO-619. A note on page 102 and 103 from the document room, they have inverted the S and L and it comes out NO-619 but all of those names are part of Document NO-619 which is Prosecution Exhibit 236.

MR. HARDY: This is Document Book Number 11, your Honor, blood coagulation. The Prosecution states in its indictment that all of the defendants are charged with special responsibility for and participation in medical experiments without the subjects' consent, and in the course of which experiments the defendants committed murders, brutalities, cruelties, tortures, atrocities and other inhuman acts.

This morning Mr. McHanev has completed the presentation of evidence in connection with the experiments involving sulfanilamide and bone transplantation at Ravensbruck. Other experiments to determine the efficacy of various drugs such as sulfanilamide upon wounds which were deliberately inflicted to create a condition similar to that of a battlefield wound, were conducted at Dachau.

At this time the Prosecution shall present evidence in connection with the blood coagulation experiments which were conducted at Dachau. The purpose of these experiments was to find a suitable drug which would stop the flow of blood. Continually through this present-

ation I will refer to the drug called polygal. Polygal is a pectin derivative extracted from vegetable sources, especially apples and sugar beets, which has a coagulant action upon blood.

After the presentation of the evidence in connection with the blood coagulation experiments the Tribunal will note that this document book includes the evidence concerning the phlegmon experiments conducted at Dachau. As you will recall, several witnesses have previously testified as to the phlegmon experiments and have given considerable details thereof.

At this time I request you to turn to page 1 of the document book. This is Document Number NO-065 which has been previously admitted into evidence as Prosecution Exhibit Number 221. For the purpose of these experiments I request the Court to turn to page 2, paragraph number 4. Paragraph 4 states:

"Sievers (Ahnenerbe). I heard..." this is the affidavit of Oswald Pohl, you will recall... "I heard for the first time about it in Berlin on occasion of Sievers' visit with me. Evidently at that time the experiments were finished. Sievers came to find out from me about the possibilities for manufacturing of medicine. I mentioned the Deutsche Heilmittel WKGH (German Medical Corporation.) in Prag which belonged to the German plants, managed by Oberfuehrer Baier of my staff. I recommended Sievers to go to him. The medicine had been manufactured later in Schlachters (Black Forest). Sievers told me the following: The 'Ahnenerbe', whose manager was Sievers, had developed in Dachau a medicine which quickly brought coagulation of blood. It was enormously important for our army because it prevented continual bleeding. It was the result of experiments in Dachau during which a prisoner was fired upon. A prisoner in Dachau, a specialist (in the field) took an important part in the discovery of this medicine."

This specialist referred to here is undoubtedly Robert Feicha mentioned in the testimony before this Tribunal of the witness, Walter Neff. Also, the name Feicha will appear in the rest of the documents in evidence.

Here now we have established the fact, from the testimony of Oswald Pohl, that these experiments to develop a good blood coagulant were

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conducted on human beings at Dachau whereupon prisoners were shot
in order to create a condition which would simulate that of a
battlefield wound.

I turn now to Document Number MO-473, page 4 of your Honor's document book, which is offered as Prosecution Exhibit Number 237. This is an affidavit of Wolfram Sievers.

"1. Wolfram Sievers, being duly sworn, depose and state:

"1. I was born on 10 July 1905 in Hildesheim, Germany. I became a member of the NSDAP in 1929 and joined the SS in 1935. My party number is 144983 and my SS number is 275325. At the end of the war I held the rank of SS Standartenführer. In 1935 I became the Business Manager of the Ahnenerbe Society.

"2. Due to my position in the Ahnenerbe Society and my affiliations with the Reich Research Council as a representative of Professor Lantzel, I have some knowledge of the activities of Dr. Kurt Blome.

"3. I met Dr. Kurt Blome in the middle of the year 1943. Blome was Plenipotentiary for Cancer Research and had an Institute in Posen, which was called the "Reich Institute for Cancer Research". In connection with this Cancer Research program I attended a conference in Berlin which was attended by Blome, Professor Holz, Dr. von Lantschberg, and Dr. Rascher. A lengthy discussion concerning experiments with an extract from an Alpine plant took place. The extract from this plant was to be used for the cure of cancer. At that time the question of experimenting on human beings or on other animals was discussed. Rascher wanted to experiment on the human beings immediately, while Professor Holz and Blome wanted to experiment on animals first and then on human beings. At any rate Rascher had the approval of Hitler to conduct such experiments and was ordered to cooperate with Blome on any experiments concerning Cancer Research. Dr. Blome visited with Rascher on many occasions. I believe that Rascher and Blome had about twenty meetings which took place in Berlin, Munich, and Dachau.

"4. Blome, who did not seem to find the help given by other divisions sufficient from the point of view of his ideas about the execution of his work, sought and received Hitler's support.

"5. At the end of 1943 I met Blome again in Hitler's presence. I can recall that during this conference Blome asked Hitler that Rascher be

assigned to him for research work in his institute at Hesselstadt. At this conference it was decided that Rascher should work in close cooperation with Mengele. Rascher was also to assist Mengele in the field of biological research.

"8. When Rascher was ordered to establish a department for cancer research in the Dachau Concentration Camp, Oswald Lohl was ordered to assist him in every possible way. This order to Lohl came directly from Hitler. All concentration camp inmates suffering from cancer were to be transferred to his department and experiments which would serve cancer research were to be conducted on them. Menge received reports from Rascher and visited him several times at Dachau. I assume that Menge had full knowledge of Rascher's work.

"7. Plene also had full knowledge of the Blood Coagulation experiments at Goethan. He received reports from Rueschig and should have a complete knowledge of these matters. (Signed) Alfren Sievers"

In connection with the blood regulation experiments the Prosecution, during the examination of Walter Hoff, referred to the activities of the Defendant Bloch in this regard. We shall see in due course that Bloch had a substantial knowledge of these experiments and did not morally fear of them in casual conversation as he will try to have us believe.

So now turn to the next document which is an affidavit, page 7 of your
 Carter's document book, Document Number 10-471, which is offered at this time
 as Prosecution Exhibit Number 230. It is an affidavit of Defendant Blane
 and deals with various subjects. At this time I will read the entire affi-
 davit.

"I, Kurt Blome, being duly sworn, depose and state:

"1. I was born on 31 January 1894 in Bielefeld, Germany. In 1912 I graduated from secondary school in Dortmund and studied medicine at Göttingen. Due to the war, I had to interrupt my studies in 1914, but resumed my medical studies in 1919 and passed the state examination in 1920 at the university of Rostock.

"2. In 1931 I joined the KGB and later on I attained the rank of Senior Sergeant of the Medical Service. In 1943 the Golden Party Emblem was

devoted on me. After many years of private medical practice, I was called to Berlin in 1934 by the Reich Chief of Physicians, Dr. Gerhard Wagner. There I took over the position of adjutant in the main office of the German Medical Congress. Furthermore, it was my task from 1935 on to organize medical higher education.

"3. In 1939 I became deputy to the Reich Chief of Public Health, Dr. Leonardo Conti, who was Dr. Wagner's successor. I represented Dr. Conti in his position as a) Chief of the Reich Medical Association, b) nominally Chief of the Main Office of Public Health of the Party, c) nominally Chief of Medical Association.

"4. In consequence of my above mentioned positions I am able to state the following:

"5. My knowledge of a program to kill persons mentally ill originated in rumors. When I heard that such a program was planned I discussed the matter with Dr. Conti. The latter refused to discuss any details of this program. However, Conti did state that it concerned a secret order given to Eckhard and Brandt. One day I got an invitation to a conference in 1940 or 1941. I cannot remember the exact date of the conference which took place in Berlin. Dr. Conti informed me that this conference had been provoked by him and that Dr. Karl Brandt intended to present details of the Euthanasia program. Viktor Brack represented Dr. Karl Brandt at this conference and presented an alleged Euthanasia law signed by Hitler. This was to become effective and be published at the end of the war. During the years 1939 to 1941 the mercy killings were undertaken on the basis of a so-called secret law which, however, was never published. In 1941 Hitler prohibited continuation of the program. In wide medical circles this program was considered contrary to the existing morals and customs, and illegal.

"6. In 1943 I was appointed Commissioner for Cancer Research. This research was conducted by the Reich Research Council over which Hermann Goering presided.

"7. In 1943 a conference took place at Berlin. The object of this conference was to discuss the possibilities of employing an al, inc plant as a

cancer cure. This method had been proposed by a cousin of Himmler, Dr. von Lutschberg. Dr. von Lutschberg, Professor Holz, Wolfson Sievers, and Dr. Rascher participated in this conference.

"6 Dr. Rascher told us that he had executed experiments on human beings at the Dachau concentration camp. One of them served to determine the effect of polygal on blood coagulation in the case of wounds incurred on the battlefield and during operations, etc. Rascher showed me laboratory studies concerning blood coagulation. Polygal seemed to be of value to our Armed Forces.

Here the defendant Blome has referred to the fact that Rascher showed him laboratory studies. You will see throughout the presentation that Blome's knowledge was considerably greater. He may well ask us to believe that these laboratory studies, as to speak, were merely the results of needle pricks in the end of an inmate's finger, followed by an application of a coagulant drug, or some such defense as that. I read from the affidavit, paragraph 5.

"9. Experiments on Human Beings. I became fully aware that experiments on human beings were conducted in concentration camps. Dr. Rascher informed me of collected water experiments and I remember that he stated, when asked, that during these one case of death had occurred. Himmler discussed with me experiments on human beings important for the war effort and stated that refusal was treated as treason. For the experiments, only certain criminals, who had been sentenced to death and who were to be granted amnesty under certain circumstances after the experiments, were to be used. I discussed with Himmler the possibility of, after the war, finding a legal way for conducting such experiments for the solution of the cancer problem on a voluntary basis. (Signed) Kurt Blome."

Now, Kurt Blome, I might mention in passing, admits that the programs in which he was involved in medical experimentation had no legal basis, as he and Himmler were getting together to determine what could be done to find a legal way for conducting such experiments after the end of the war.

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We turn now to Page 10 of Your Honor's Document Book, Document Number NO-611 which will be offered as Prosecution Exhibit 239. This is a letter from the notorious Rascher to Wolfram Sievers, dated 15 September 1943:

"Dear Standartenfuhrer: For your information and further action, I am sending you in the enclosure two copies of the essay 'Experiments with a new homostat "Polygal 10"', which is in tablet form and is to be administered orally.

"As already discussed in Munich, the manufacturing of this medicine 'Polygal 10' would be quite possible in an establishment near Drogenz, whereby some phases of the manufacturing process would be carried out in other existing enterprises. In order to make it a prosperous enterprise, it would, of course, be necessary that the patentee, Herr Foix, personally see to the manufacturing possibilities in Drogenz, etc. *Conditio sine qua non* to this would be the release of Foix. I would be grateful to you if it were possible for you to contact SA-Gruppenfuhrer Professor Dr. Blome in this regard, since it is requisite for an eventual release that he be reinstated to his former status as half-Aryan. Dr. Blome has given me great hopes in this respect. The release of Foix would be possible only if the Reichsfuhrer SS, seeing the results of our work, would get a somewhat different picture of Foix's person than he received from people who were interested in Foix's destruction. The picture of Foix resulting from the investigation of the Gestapo, is in any case, as far as I know, favorable throughout. Only I don't believe that this report was submitted to the Reichsfuhrer SS. With best regards and Heil Hitler, Yours very truly, Sigmund Rascher."

We note in this letter that our defendant Blome now looms as a mighty important figure as the man who will get the release of Foix so that Foix can continue to work on the Polygal produ-

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tion. The Tribunal will recall the testimony of the witness Viehweg, which is on page 431 of the transcript, in regard to the experiments conducted at Dachau with coagulating drugs. I also call to the attention of the Court, the testimony of the witness Stoerr on Page 586 of the transcript. The witness Stoerr stated that blood coagulation experiments were carried out in the crematorium and that one had to assume that the experimental subjects died because nobody ever came out alive from the crematorium. I also request the Tribunal to refer to the testimony of the witness Walter Hoff on blood coagulation which is contained on page 639 of the transcript.

We turn now to Page 12 of Your Honor's Document Book, Document NO-436 which is offered as Prosecution Exhibit Number 240. This is a report by Rascher. The date on the top is a marginal note, handwritten to Dr. Schri, delivered 20 December 1943. That is not the date of the instrument. This report is from the Institute for Military Scientific Research (Department Dr. Rascher), which, of course, is part of the Ahnenerbe Society. "Polygal 10", a hemostat to be administered orally. A hemostat, of course, is a blood coagulant or a blood stopper as we might say. This is by Dr. Sigmund Rascher, Munich, and Dr. Medicine H. Baferkamp, Waltershausen (Thuringia).

"A good hemostat has to have the following qualifications:

- "1. It must be harmless,
- "2. it must be administered easily (orally),
- "3. it must not have a bad taste,
- "4. it must have a deep and long lasting effect on the bleeding and clotting time,
- "5. after the effect wears off it must be possible to administer another dose without any danger.

"Hemostat now for sale commercially meet these demands only partially. Especially no unobjectionable hemostat is known up to now which is in form of tablets, durable, unimpaired by cold

temperatures and therefore easily transportable. But it would be worthwhile to produce such a preparation whose application would have the following important advantages:

"1. It could be given prophylactically to the combat troops before an attack and to air crews before action. Too great a loss of blood could be avoided that way when tending to wounds is delayed; similarly it could be avoided that the wounded become incapacitated by a delay of loss of blood.

"2. Before operations in which greater areal bleeding is to be expected it could be used to keep the operational region clear of interfering bleeding.

"3. Persons having a high blood clotting time could benefit inestimably from such a remedy in cases of tooth extraction, etc.

"4. In severe cases of lung or stomach-hemorrhage which cannot be treated surgically at once, such a remedy could be life saving.

"We believe to have such a remedy in 'Polygal 10', a preparation composed and tested in our institute, which does fulfill the above requirements. 'Polygal 10' is a drug composed on a 'pectin' base; its new method, differentiating it from other hemostats on a Pectin basis is to be found in the activation of Pectin before composing it into the hemostat.

"Before we tried the clinical use of the drug and had it probed, it was tested on human beings by thorough experiments as to its influence on the period of clotting and bleeding. The period of clotting was occasionally established in short intervals by 10 parallel definitions of freeflowing venous blood according to the method of Buercker. The period of bleeding was measured by a stopwatch after a wound at the ear had been inflicted by a 'Frankeschen Schnepfer.'

"On the following graphic chart the curves of two experi-

mental persons are displayed (experimental person numbers 200 and 207)...." which might indicate to Your Honor that they had experimented up to this time up to 207 inmates with this particular inmate" The depth of decline and the duration of effect correspond to the average. It is to be mentioned with reference to the curves that various persons were always used for the experiments in order to avoid a possible accumulation of effect by the drug."

The first graphic chart we see shows the use of Polygal on the experimental subject Number 200 and the conditions of experimental subject Number 207. "From the next graphic chart (curve of experimental subject Number 96) it is evident that neither hard physical work nor the absorption of meals are able to exercise a noticeable negative influence on the effect on the drug." The Document contains that graphic chart number 2 therein. We continue with the last paragraph of the page.

"The very low period of clotting and bleeding rises a little and declines heavily later at work; the meal, consisting of white cabbage and potatoes, contained according to the analysis only traces of Pectin, so that the meal itself could not play any part thereat.

"In itself the present curve is the ideal presentation of the effect of oral absorption of 'Polygal 10' or generalizing, even the ideal curve of the effect of a hemostat. It must be stressed that this curve does not represent a single case, but that we were able to obtain from various experiments a larger number of equivalent curves. It seems to be evident from these curves that the requirements of a hemostat are absolutely realized by 'Polygal 10'.

"The eventual changes in the composition of the blood will have to be treated thoroughly in another expose. It is already pointed out here, however, that substantial changes, transgressing the limits of mistakes in measuring, could not be found.

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"From the great number of clinical cases, in which we were able to test 'Polygal 10' until now, we would like to choose a few in order to demonstrate briefly the effect in the most varied operations and illnesses.

"Case Number 1 ... " These clinical cases were in the hospital at the Dachau Concentration Camp... "Male patient, 40 years, amputation of the right upper thigh. The day before the operation a blood transfusion of 50⁰ centimeters was made in preparation of the operation. The day of the operation, the blood pressure was 130/80. I cite from the operational chart: 'It was evident, how slightly the tissue bled. After the first provision of blood for the sever^d blood vessels carried out in a state of absolute bloodlessness, no further bleeding occurred after the diminution of stagnation, so that it was not necessary to put any ligatures on the surface of the muscles, and the adipose tissue or the subcutaneous cellular tissue.' During the period of subsequent treatment the stump did not bleed anymore; before the operation, the surgeon had no knowledge of the use of 'Polygal 10' which had been administered 45 minutes before the operation started.

"Case number 2: 42 year old male patient, herniotomy on both sides. Blood pressure before the operation 145/80. Forty minutes before the beginning of the operation one tablet of 'Polygal 10' was administered. According to the statement of the operating surgeon, the drug agreed with the patient as usual, without causing any trouble. In particular, no disagreeable secondary effects occurred on the part of the stomach (nausea). Bleeding was surprisingly slight. As in all previous operations where 'Polygal 10' had been administered before, it was also in this case only necessary to ligate the bleeding from the blood vessels, but this was necessary only at very few points, namely only where vessels had been injured

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by the operation. Thus the favorable effect of 'Polygal 10' for operations does not only consist in the fact that the bleeding is diminished and thus a greater loss of blood avoided, but 'Polygal 10' makes also a considerably quicker operation possible, as the application of clips and the following ligatures require nevertheless a certain time, which can be saved by using 'Polygal 10'."

It goes on with cases 3, 4, and 5, which are in the same theme and which the Tribunal may read, but I won't read them here. I continue on page 17, the next to the last paragraph.

"Summary: A report is submitted on a new hemostat based on Pectin and to be administered orally which after a short time causes an extremely strong and long-lasting regular reduction of the bleeding and blood clotting time. The practical tests of this medicine, 'Polygal 10', showed under the most varied circumstances no failures up to now. No contradictory indications on the part of the heart or the circulation could be found, too, as was to be expected considering the composition of the drug.

"The idea of this experiment was to draw the attention of a larger circle to this preparation and get results of experiments from other clinics and hospitals. Smaller quantities for experiments are at disposal upon request. Address of author: D'chau 3 K."

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I ask the Tribunal to take notice of the address, that is Dachau, 3-1. Address, Dachau, 31, is that which witness Vickers mentioned as the Victoria Station.

The next document, which is Document No. 512, and which I offer as Prosecution's Exhibit No. 241, dated 29 November 1943, a letter from the defendant Rudolf Brandt to Heinrich Himmler.

"Dear Comrade Himmler:

"The letter Polygal No. 10 did not develop as quickly as you and SS Hauptsturmführer Dr. Rascher expected. The Reichsführer SS has talked to SS Gruppenführer Professor Dr. Gebhardt. He allowed himself to be convinced that for various reasons it is still necessary to make thorough tests at Sonnenhofen which are previously to be discussed by SS Hauptsturmführer Dr. Rascher with the competent physician at Sonnenhofen and/or SS Gruppenführer Professor Dr. Gebhardt personally. I shall also write a few lines to that effect to SS Hauptsturmführer Dr. Rascher and I shall ask him now to remain really objective and cool and not to get excited because things cannot be done as quickly as he originally thought. SS Hauptsturmführer Dr. Rascher will furthermore be given the opportunity to get in touch with a competent specialist in Berlin, as far as I know Professor Weitz, in order to discuss the whole problem and possibly further experiments.

"Heil Hitler!

"Yours

"R. Brandt

"SS Sturmbannführer."

Here is Gebhardt coming forward and apparently expressing himself quite openly. The report indicates to him that further investigation is necessary. This dated 29 November 1943. To see the position of the defendant Gebhardt, and its connection with Himmler. The investigation got into these experiments, and it was suggested and recommended that further experimentation or any other action be taken, and which is a considerable and important figure in this whole picture.

Court No. 1

To turn to the next Document, which is Document No. 758, and which is to be offered as Prosecution's Exhibit No. 242, dated 10 December 1943. It is a teletype addressed to the defendant SS Standartenfuhrer Sievers.

"At present at Field Command Office of Reichsfuhrer SS

"Standartenfuhrer:

"Today I had to send the following teletype to SS Obersturmbannfuhrer Dr. Herdendorf:

"Today I was advised that the protective-custody prisoner Boris Krajac born 25 December 1913 in Kontrida, No. 1 8255, is to be released in accordance with writing of 19 November 1943 and to be sent to Berlin RSHA DV 6 2. I continue to warmly recommend Krajac's release, but urgently request that Krajac not be taken away from me as a worker since he is my best chemist and is in the middle of some work ordered by the ReichsfuhrerSS. Krajac is, as far as he knows, the only chemist here who can carry the work through pertinently and correctly. I therefore ask that it be arranged to have Krajac transferred to me as a civilian worker, his employment in my division within the Anonymous Society would follow.

"May I respectfully request that this be followed through, since otherwise the theoretical part of the polygal work cannot be carried further because Krajac is my only organic chemist.

"Many thanks.

"Heil Hitler

"Very respectfully

"(signature) S. Rascher."

This indicates the position of defendant Sievers -- the importance of how he could retain men to work on the various projects.

To turn now to the next Document, which is Document No. 513, and which is to be offered as Prosecution's Exhibit No. 243. This is a document which has been initialed with an "E" and followed "Si", which are the initials of the defendant Sievers, and the "Si" was later crossed out. It is addressed

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to Dr. Graue, Manager of Wartime Economic Office in the Reich Research Council. The letterhead is that of the Institute for Military Scientific Research,

Bachau 3 K.

"Dear Dr. Graue:

"Referring to our conversation of today I beg to answer briefly your questions concerning Polygal:

"1.) Extracted slices of sugar beet, apple-pectin as well as Dextrose as used as basic material.

"2.) Use of Polygal, Hemostatic remedy in tablet form especially useful as a prophylactic hemostyptic. Very important for air crews, actions by shock troops etc. Briefly expressed, advantageous in cases where there is a long period of time between being wounded and having the wound dressed.

"3.) Advantages that cannot be secured by other hemostyptics are the tablet form, (no breakable capsules), very simple application: merely let it melt in the mouth and swallow it slowly, lasting effect, 4 - 6 hours non sensitivity of the remedy to temperature changes.

"4.) The remedy is absolutely non-toxic and can therefore be taken frequently without risk of injury. (Absolutely no danger of thrombosis or embolism.)

"5.) The price of the remedy produced on a large scale works out cheaper than that of these hemostyptics at the present on the market, thus the price question is of no consequence in practice.

"With kind regards

"Heil Hitler!

"H. (Followed by "G" later crossed out!)"

This document indicates the close contact between the Institute Almonarbo and the Reich Research Council, and they all fit in together. The problems were discussed among the members of both organizations, and the continuation of further programs of these experimentations.

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The Document on Page 23 of your Honor's Document Book, Document No. 616, which is offered as Prosecution's Exhibit No. 244, is a note from the defendant Sievers, dated 10 February 1940.

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"Note

"Subject: Publication RASCHER HAFERKAMP in the Munich Medical Weekly."

This refers to a report I read a few moments ago, which is Document No. 136.

"On the occasion of my presence in Munich at the beginning of January, SS-Hauptsturmfuehrer Dr. Rascher and Dr. Haferkamp informed me about the publication of an article which they wrote together and which they planned for the Munich Medical Weekly. Dr. Rascher received the necessary authorization from me, as he had left the Luftwaffe and had not yet been taken over by the Waffen-SS and thus had to obtain the authorization from the competent office namely the "Altenherberge". The article planned was also known to the deputy Reichsarztstufuehrer, SA-Gruppenfuehrer Professor Dr. Blum and had not with his approval."

On the margin you will note: "On 15 January I spoke about this to Blum."

"Dr. Haferkamp declared that he did not need an authorization as he was leaving the Waffen-SS. On 31 January 1944, a discussion took place between SS-Standartenfuehrer Dr. Lolling, SS-Hauptsturmfuehrer Dr. Rascher and myself in the course of which Dr. Haferkamp was mentioned. On that occasion, it was discovered that Dr. Haferkamp had not yet left and certainly had to have the authorization of the Reichsarzt-SS for the publication. Following this discussion, I immediately sent this teletype to the Munich Medical Weekly: 'Publication RASCHER-HAFERKAMP must by no means take place as HAFERKAMP without prescribed authorization.'

"On 4 February 1944, I was informed by SS-Hauptsturmfuehrer Dr. Rascher that the publication had already taken place when my teletype was received."

"SIGNED

"SS-Standartenfuehrer".

Document No. 614, which is offered as Prosecution's Exhibit No. 245, is a letter from Dr. Grawitz, who is complaining about the publication of this report. He severely opposed the publication of this report as he deems it very essential to keep it a secret. This is addressed to:

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"SS-Hauptsturmführer Dr. Rascher.

"Re.: Your article in No. 3/4 of the Munich Medical Weekly of 29 January 1944.

"In the Munich Medical Weekly No. 3/4 of 28 January 1944, there is an article 'Polygal 16' a haemostyptic to be taken per os by Dr. Rascher and Dr. Wafarkamp. 'Dachau 3 W' is indicated as the address and human experimental subjects are mentioned in the article.

"The publication of scientific treatises is subject to the granting of the authorization to print by the senior professional authority (for SS-physicians, the Reich Physician SS and Police) as well as by the High Command of the Wehrmacht.

"This subjection to censorship is also known to the editorial offices of professional periodicals.

"You are requested to let us know why you did not apply for the necessary consent for publication.

"Heil Hitler!

"Signed: Grunitz."

"We turn now to the next Document, Document No. ---

THE PRESIDENT: The Tribunal will recess.

(A recess was taken until 1330 hours.)

CORRECTED COPY

AFTERNOON SESSION

(The hearing reconvened at 1330 hours, 2 January 1947.)

THE MARSHAL: All will rise.

MR. HARDY: May it please the Tribunal, we turn now to Page 26 of the English Document Book. This is document No. 615, which is offered as Prosecution Exhibit No. 246. This is another letter registering an objection to the Rascher Report; this letter was written by SS-Obergruppenfuehrer POHL, Chief of the Waffen-SS, addressed to Rascher, and reads as follows:

"Dear Rascher,

In the Munich Medical Weekly Journal of 28 January 1944, you published an article about 'Poligal 10'.

I deem it necessary that in future publications you avoid carefully everything which could induce people who are familiar with the subject (and one must always consider that such people exist) to the conclusion that experiments on prisoners are involved.

This is possible from various passages in the above mentioned article. It is paramount that you do not use 'Dechau 3 K' as the authors address."

Heil Hitler!

Yours

F (initial for POHL)

MR. HARDY: Copy went to the Defendant Rudolf Brandt and the Defendant Wolfram Sievers. Here, we see the unspeakable POHL, worrying about the consequences of the Act!

to Document No. 656, on page 31 of your Document
your Honor, which is offered as Prosecution No. 247. This is
a four page document dealing with POIXGAL. The letter contains a
reference to matters of different origin. On the first page, 29, the
file has a statement in regards to the assignment of S. RASCHER :D.
by the Reich Research Council: It has the date: 8 May 1944. Over to

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the left appears "The Reichsfuehrer-SS Personal Staff Office 'Ahnenerbe',
and in the center the word 'SUMMARY' and then the words: "SS-Haupt-
sturmfuehrer S. RASCHER MD. was assigned the following research tasks
by the Reich Research Council:

1.) On 4 October 1943 Journal No. rf 1157/43 g

Codeword: 'Rewarming Humans'

Research ordered:

- 1.) Rewarming after general freezing of the human body.
- 2.) Recovery from partial freezing, especially of the extremities.
- 3.) Adaptation to cold of the human body variously nourished to establish whether an increase of resistance against freezing can be attained.

Priority SS.

Wehrmacht order number: SS 4091-0328 (1879/15)-III/43

2.) On 23 February 1944 Journal No. rf 3717/44 g

Codeword: 'Polygal'

Research task for the development of production methods for the preparation of the humostat Polygal."

MR. HARDY: Continuing on: "Priority SS/44

Wehrmacht order number SS 4118/0391/44 Rf 2829

Point 11 as an addition to the task

Procurement of supplies etc. has a priority rating SS

4950 (Group 1).

(Signature illegible)

SS-Obersturmfuehrer"

MR. HARDY: We turn to the next page. This is a letter written by Dr. KAHN, at Dachau, written in the Dachau Hospital, to RASCHER, dated 10 December 1943, and the subject "Administering 'Polygal' upon amputation of the thigh of a 40 years old male patient. It is addressed to:

"To:

Stabsarzt Dr. RASCHER

Dachau"

MR. HARDY: This is obviously the same one, referred to in the report. (Reading) "On 10 December 1943 the effectiveness of 'Polygal' in the case of the amputation of the thigh was tested. The drug was

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administered 45 minutes before the operation per os and was placed
in the patient's mouth to be

dissolved. A blood-transfusion of 500 cc had been made the previous day in preparation for the operation. Blood pressure on the day of the operation was 130/80.

As regards the effectiveness of 'Polygal' one can say that it was absolutely evident how little the tissues bled. After the first rush of blood from the vessels which had been cut when completely emptied of blood, no more bleeding occurred after this first issuing of accumulated blood, so that it was not necessary to apply any ligatures to the surface of the muscles and the fatty tissues, or the subcutaneous tissues, as had always been the case with other amputations. The effectiveness of 'Polygal' must in this case be described as complete."

MR. HARDY: Signed by "The First Camp Physician Concentration
Camp

Dachau.

Dr. Zahra."

MR. HARDY: We turn to the next page, 31, still the same document, No. 656, which is another letter from Dr. Karr to Rascher. This letter I won't bother to read. I will merely mention it in passing, as it also substantially contains the information in the report.

In order to consummate the production of polygal various arrangements are being made by Standartenfuhrer Sievers, as we will see in document No. 757, page 33 of your Honors' document book, which will be offered at this time as Prosecution Exhibit No. 248. It is a letter from Sievers to Walter Neff, a witness who has testified before this Tribunal, dated the 26th of May, 1944:

"I have received and read with interest your report on 15 May, 1944. If we can continue to work in the Nicolodi factory until the end of August or perhaps longer, that would be the most favorable solution.

"I ask that you make it a point to send a copy of all reports, which you believe it necessary to send directly to me, to SS Hauptsturmfuhrer Dr. Roehner, who is the competent Department head.

Heil Hitler,

(signature) Sievers"

That was a letter from Walter Neff when he was up in the Black Forest to establish a factory for the production of polygal.

Now we come to page 34 of Your Honors' document book. This has been previously introduced as Prosecution Exhibit No. 123, and is document 3946-PS, Sievers' Diary for 1944. There are some entries in here which are quite significant in this regard, and I wish to call to the Tribunal's attention at this time, and you will note on page 34, the first entry of 5 January:

"SS Hstuf. Dr. Rascher and Dr. Haferkamp: Work on Eigenblutbehandlung (Own blood treatment)"

This obviously referred to polygal in the report which has been written by these two gentlemen and which has been referred to previously.

We turn now to the entry of 9 January, approximately in the middle of the page. On the 9th of January we see entry No. 3:

"Report on conference SS Ogruf. Pohl in connection with production of polygal."

Next we turn to page 35 of Your Honors' document book, at the top of the page, entry No. 5, under date 22 January, the very first entry on the page:

"5. Generator car for production of polygal, Lustenau-Schlachters."

Now we come to the 28th of January, and I wish to note in passing, the mention of the initials RFR, which are the initials for Reich Research Council.

"1. Research Department of the Waffen SS

"2. Collaboration with Institute R (Rascher) Dauchau

"Work on Rascher proposals for polygal production."

And we turn now to the next day, 29 January, item No. 6:

"Research instructions and top priority for polygal.

"7. Name of polygal.

"8. Supplies and prerequisites for polygal production: discussion on the basis of Rascher's report of 21 January.

"9. Requisition for the production of a pectin lotion by Dr. Floetner."

And we turn now to the next significant entry on the 31 January, No. 3:

"Stop collaboration with Dr. Haferkamp"

which refers to the document introduced previously, and entry No. 2, under SS Stabaf. Faalschluin:

"2. Giving leave of absence to prisoners for polygal production."

which obviously refers to leave of absence granted to prisoners such as Walter Neff and other personnel needed for the work in the Black Forest concerning the production of this blood coagulator.

And the next one:

"Giving leave of absence to prisoners. Discussion in connection with polygal production."

And another interesting item, the next item on the page for 1 February:

"Reich Research Council (RFR) Dr. Graue - Dr. Rascher:" which has been referred to in the document I have just presented.

"Production of polygal as War Economy Industry of the Reich Research Council. Discussion of necessary supplies. Top priority, requisition forms, etc."

I thought we might note in passing the item under 2 February, on page 36, which doesn't have any connection with the polygal production, but you will see it is an item which is very interesting:

"Met Professor Bickenbach in Karlsruhe, and he advises that he has put his research work under the control of General Commissioner, Prof. Dr. Brandt," which clearly indicates that these Commissioners were fully aware of all research problems in the medical world of Germany, and again it is followed through on the same day by a discussion with SS Hstuf. Hirt:

"1. Prof. Dr. Bickenbach, without instructions from Hirt and Prof. Stein, contacted General Commissioner Prof. Dr. Brandt concerning the phosgen experiments and was in Natzweiler with him. Commission is to be withdrawn, for our part Natzweiler to be closed." which clearly indicates it was one of his projects, and here is Professor Karl Brandt visiting Natzweiler concentration camp where most of the experiments were conducted.

We turn now to page 37 of Your Honors' document Book, an entry under 22 February, following the top of the page on down until you get to the item No. 3:

"SS Stabaf. Dr. Rascher - "

and there are several entries here:

"d. Supply questions for production of polygal."

The last entry is rather amusing in so far as he notes Rascher took blood from the finger tips of inmates.

"e. Experiments Professor Blome"

and the next entry:

"f. Polygal report to SS Gruppenfuehrer Prof. Dr. Gebhardt."

That has been mentioned in the document I mentioned this morning.

And the next entry:

"5) SS Ostuf. Eben as manager of polygal manufacture."

And the next two entries concern the work on Lest, and the next entry under 1:

"1) Success report on polygal."

And we note the next entry, 21 February:

"personal Staff Ross:

"2. SS Stabaf. F. Blachlein:

Ross order of 18 February, thoroughly discussed for information
SS Hstuf. Dr. Rascher and Prof. Blom."

Now here we definitely have Professor Blome.

In the next entry under 25 February, the last item:

"Prof. Blome (by telephone): Advised of RESS order concerning
his work at Dachau and collaboration with Rascher," which seems to
indicate to me that his work was a little bit more than a casual
visit and chat with the notorious Rascher, and again the next entry
of 28 February:

"Reich Research Council: (RFR): Dr. Graue arranged a dis-
cussion with Prof. Thiessen, Prof. Blome, Dr. Rascher.

"Commissioning of Dr. Rascher to do Research. Experimentation
plan Borchers. Introduction of discussion of L. Research."

And then the last entry on the page, under 8 March: Here we
have Neff reports on possibility to initiate polygal production
(about 3000 daily) at Hofelaryar, Schlachters, if factory is ceded
for four months.

We turn now to the next page, Your Honors', page 38, the entry
under 22 March. Naturally, that is SS Rstuf. Dr. Rascher:

"Business discussion, among other things polygal production.
Results of experiments with agar capsules. Preparations for freezing
experiments during the winter months 11/45. Demand for prisoner com-
mand for Schlachters.

We turn now to the entry of 23 March, the second paragraph,

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under 2000 to 2200:

"Discussion with SS Hstuf. Dr. Rascher, among other things
compilation of reports on success with polygal."

The next entry, the 24th of March:

"Arrival Lustenau:

Here is Dr. Rascher of the Ahnenerbe Sievers concerning himself with the availability of quarters for places of manufacture, and we have the next entry:

"Arrival Bregenz:

which you will recall is referred to in one of the documents presented this morning:

"Summing up conference with SS Hstuf. Dr. Rascher, Neff, Brown and Felix.

"Arrangements for beginning undertaking at Schlachters and final declining of Lustenau. Instructions for buying of steam cauldrons and machines."

And we have an entry of 31 March:

"Reich Research Council:

"Polizeirechtswissenschaftler Neff delivers histories of patients under physical treatment and reports.

"1. Schlachters will begin 4 April 1944.

"2. SS Hstuf. Dr. Hstuf. can take over control experiments since SS Hstuf. Dr. Rascher is not presently in a position to do so.

"3. Building of barracks at Schlachters not necessary if daily output of 2-3000 tables will suffice for the present."

We turn now to the next page, Your Honors', page 39, in the middle of the page under date 11 April, between the hours of 1315-1500 - station Rascher:

*Station Research:

Status of work. Future work. Orders for continuation to the present. SS Hauptsturmbannführer. Dr. Floettner instructed: Most pressing task: polygal tests. Instructions re continuations of Lunzengruber work. Neff reports that polygal manufacture at Schlactars is assured for three months. Felix reports on experience in manufacture and on first results obtained at Schlactars.

You might note that under the same date the last entry: "Reich Medical Association, Prof. Dr. Blum: Continuation of research work with Dr. Rasch" "Referring to experiments with radium in connection with the cancer research conducted under the auspices of Dr. Blum. Turn to the next page 40 beginning at the top of the page: "Neutron experiments, Prof. Dr. Blum." We have under the entry 26 April 1700 hours, the third paragraph under the 26th of April:

"Prof. Blum (by telephone)

- "1. Personal report to RFG requested on neutron experiments.
2. Possible employment of Rascher in Hoeselstedt would first require - three month's study of bacteriology."

We turn now to the next to the last entry on this page under 10th of May

"Reich Research Council:

Dr. Graube: Transfer of research work from Dr. Rascher to Dr. Floettner. Rejection of polygal and injection by Graube."

The next entry:

"SS Hauptsturmbannführer Dr. Floettner (by telephone)" and the next is "(b)":

"As a result of arrest of Felix production at Schlactars has to be stopped.

(c) Arrange for joint report at Reichsrat SS."

If the Tribunal will turn to the next page you see another entry:

"23 May. SS Hauptsturmbannführer Dr. Floettner:

Report on Polygal.

Still under the same date we move down to the middle of the page and see the entry:

"No. 3. SS Sturmbannführer Palachlein:

Development Felix-Panzengruber-Mascher," the gentlemen that worked on this production. Then we have under 26 May the name of Dr. Graue appearing again. "Footin research." We have another entry:

"SS Hauptmannsturmabführer Dr. Floettner."

"No. 2. Footin research at the Institute for German Eastern Research, Krakau".

That Research Institution was under the defendant Handloser that we referred to previously in the course of this presentation. Then the last entry four under Floettner:

"Change of name of blood coagulating material from polygal to styptegal or styptoral."

And the last entry is quite an illuminating bit of information, your Honor:

"To Krakau with SS Hauptmannsturmabführer Dr. Floettner and SS Unterscharführer Eben.

1. Instructions and initiation of SS Unterscharführer Eben

2. Answer of inquiry concerning polygal from Prof. Mostock by order of the Deputy of the General Commissioner for Medical and Health Matters

Obviously Karl Brandt. Here then was Karl Brandt's Medical Service for Science and Research headed by the defendant Mostock appearing in an inquiry concerning polygal in production indicating clearly well to us that all information of these matters could be made available to the office of the Reich Commissioner of the Health and Medical Matters. Turn to the next page 12, the entry of 15 June:

"SS Obergruppenführer Hall:

1. Production of polygal and settlement with Felix."

Now at the bottom of the page I might show in passing there on the entry of 27 June, Item No. 16, the visit of the SS Obergruppenführer Conti to the

Zentological Institute. There's Conti appearing for Blase familiarizing himself with the surroundings concerning these criminal experiments. Turn to the next page 43 in the middle of the page, 1415 to 1614 hours. So note another entry.

"Pectin in connection with Glutamin-acid yields an unequivocal effect."

The Tribunal will please turn to the next page 44; at the top of the page the entry:

"24 July. Prof. Blase (by telephone)

By effective substance in blood coagulating material: Dyckerhoff's view confirmed, that not pectin alone but acid is effective."

The entry under 11 August:

"Special questions Zentological Institute:

"Special tasks Prof. Blase do not permit of any curtailment."

That's an entry quite confusing, your Honor. What does that mean?

"Special tasks Prof. Blase do not permit of any curtailments."

The next entry:

"SS Brigadefuehrer Mennel and Prof. Blase.

"Discussion of secret special tasks."

To turn now to the entry of 24 August of the same page:

"24 August. SS Hauptmannsturmbannfuehrer Dr. Floettner:

Noticeable healing qualities of a new pectin powder clinical testing to follow. Item No. 4."

Please turn to the next page, your Honor, page 45. So see under the middle of the page the entry of 6 October.

"Reich Research Council." "SS Dr. Floettner."

Turn to Item No. 2:

"Registry Stuctoral as trade mark."

That's a new name they have created for polygal which is now to receive a trade mark. Turn now to the entry under 11 October under the second paragraph:

"1605 to 1640. Lindenstrasse:

Conference with Prof. Dr. Bloem:

4. Questions concerning various special research and experimental matters.*

21 October on the next page, your honor, Item No. 32 again mentions the status of the Stryptoral control work. We turn now this time — this completes the presentation of the blood coagulation documents. I want to call the attention of the Tribunal that we have here established by the affidavit of Pohl and the statements of the witnesses that experiments on human being were carried out and death followed as a natural result of the use of the polygal drugs. Dr. Sievers well outlined and all of the material in this diary indicates clearly the entire program and the interest of all of the parties concerned: the Reichsamt, the Reich Research Council and the SS. At this time Dr. Schiller, my associate, will present the documentary evidence of the phlogosan experiments.

MR. SHILLER: The so-called Phlegmon Experiments were conducted at Dachau Concentration Camp in 1942 and 1943. The experimentees were Catholic clergymen who were involuntarily exposed to these experiments

I now ask the Tribunal to turn to Page 48 of the document book. This is Document ND-356 which was previously introduced as Prosecution Exhibit 125. If the Tribunal will look at the last paragraph on Page 48 I shall now proceed to read it.

"A third type of experiment was the so-called phlegmon experiments which were conducted in 1942 and 1943 on orders of Himmler."

The words "Himmler" and the numbers, in parenthesis, 141, 184, 319, have been inadvertently omitted in restenciling this document.

"The purpose was to prove that the worst diseases could be treated by biochemical methods (Record 307). The first trial was performed without a doctor (Record 307). Healthy people were selected and infected with the pus of a phlegmon diseased person (Record 141, 307). Phlegmon, which is a disease of the tissue, causes inflammation, is pus-forming and may destroy organs in the body (Record 141, 768). It is not necessarily localized at the place of infection (Record 186). If the infection is too strong or the organism too weak, a general blood poisoning ensues (Record 141). Phlegmon causes great pain (Record 141). The prisoners utilized for this experiment were primarily priests of all nationalities, none of whom had volunteered (Record 141, 308). After the infection, the victims were not treated for three or four days until the infections had formed (Record 142). They were then given sulphanilamide injections, body chemicals (pills of calcium phosphate) or subjected to surgical operations (Record 142, 186, 308). Many died and others became invalids. (Record 142, 375, 376). The experiments were conducted from the summer of 1943 until the spring of 1944 (Record 308)."

I now ask the Tribunal to turn to Page 57.

In passing, I also call the attention of the Tribunal to the testimony of the Witnesses Stoerr and Viehweg on Pages 431 and 578 respectively in the Transcript. The Witnesses Stoerr and Viehweg well established the fac

that numerous deaths occurred as a direct result of these experiments. T
Witness Stoerr clearly stated that 50% of the phlegmon experimentees were
treated with sulphanilamide and the other 50% treated with bio-chemical
medicaments. Stoerr's testimony with regard to the phlegmon experiments
may be found on pages 578 to 584 of the Transcript.

I now offer in evidence Document NO-409 as Prosecution Exhibit 249. T
is a report from Grawitz to the Reichsfuehrer Heinrich Himmler, dated 29
August 1942. Your Honors, there is a typographical mistake here. It should
not be 1943 in the document but 1942.

"Reichsfuehrer:

"With regards to previous results of bio-chemical treatment of sepsis
and other cases of illness I beg to submit the following provisional
report.

"1. The following 40 cases were treated with bio-chemical remedies in
the SS hospital Dachau in the time mentioned in the report. Besides septic
processes, such diseases were treated, where a decisive change for the
better should be achieved by means of bio-chemistry.

"Phlegmonous-Purulent processes.....	17
Sepsis.....	8
Furuncles and abscesses.....	2
Infected operational incisions.....	1
Malaria.....	5
Pleural empyema.....	3
Septic Endocarditis.....	1
Nephrosis.....	1
Chronic sciatica.....	1
Gall-stones.....	1

"According to the indications of the bio-chemistry applied to the
different cases we used the following remedies:

"Potassium phosphoricum	D 6
Ferrum phosphoricum	D 6 and D 12

Silicae	D 6
Sodium Muraticum	D 6
Calcium phosphoricum	D 6
Sodium sulfuricum	D 6
Magnesium phosphoricum	D 6
Sodium phosphoricum	D 6
Calcium fluoratum	D 6

"The cases of sepsis were mostly artificially provoked.

"Up to now we found, that the unfavorable course of the severe cases could scarcely be stopped by means of bio-chemical remedies. All sepsis cases died. The Malaria cases were not influenced by it.

"The cases of extended purulent processes, with development of abscess, the pleural empyema, the septic endocarditis, the Nephrosis, the chronic sciatica and the gall stones showed no definite influence from bio-chemical treatment. In as far as they were conducted with positive results they did not show a different result from the ones, where, according to medical experience, patients were restricted to stay in bed without receiving any special treatment.

"The impression of a favorable effect on morbid cases of sickness by bio-chemical means proved to be satisfactory in 5 cases only, 4 of which were comparatively slight. The 5th case involved a 17 days' old child with severe furunculosis. In this case an improvement set in only a few days after treatment had been applied. However, an error occurred in the experimental procedure, for at the beginning of the treatment a sulfonamide preparation, was used.

"The strong formation of pus, clearly noticeable in a few cases, is perhaps due to the bio-chemical remedies applied.

"The frequently given doses of sugar which mainly consist of pure milk sugar in the form of bio-chemical tablets probably promoted the effect.

"Experiments for orientation are to be made. In a case of a joint non- the antiseptic potassium phosphoricum D 6 was given as a prophylactic because the incision of the operation was greatly endangered by infection.

In spite of that the temperature rose up to 39° on the following day. (the bio-chemical treatment could not prevent appearance or breaking out an infection, although potassium phosphoricum D 6 was given immediately and intensively.

"It is also to be noted, that very soon all the seriously ill cases flatly refused to take bio-chemical tablets, because it meant a torture to them, to take the tablets every 5 minutes, even at night.

"Finally it must be said, that from a total number of 40 cases there is 1 positive case and 4 positive cases with certain reservations, contrary to 35 failures of which 10 ended fatally.

"The experiments in Dachau are being continued.

"Besides the hitherto existing program special attention is directed to research of twin cases in similar conditions, of which one will receive allopathical, the second a bio-chemical treatment.

"(1. marginal note: read: Ravensbrueck 3-9-1942 signature: K. Gebhardt)."

Here we find the Defendant Gebhardt fully cognizant of the work being conducted at Dachau on phlegmon experiments.

"2. In the concentration camp of Auschwitz three typical cases of sepsis, which developed from phlegmons, were treated - according to prescription - with Potassium phosphoricum D 4. In none of these cases a therapeutical influence on the progress of the disease could be observed. All 3 cases ended fatally.

"The experiments are being continued.

(Signature) Grawitz"

If the Tribunal please, we will now pass on to the next document as this document is self-explanatory and seems to need no comment.

The next document is Document NO-408 which the Prosecution offers in evidence as Prosecution Exhibit 250. This is a letter from one Theodor Laue, former Senator SS Standartenfuhrer. This Theodor Laue would seem to be the same Standartenfuhrer Laue who is given in the testimony of the Witness Stoerr on Page 578 of the Transcript as a visitor at Dachau in the

late summer or fall of 1943 at which time Laue inspected the surgical department, inspected the phlegmon wounds and seems to have given orders with respect to treatment.

THE PRESIDENT: Counsel, one of these document books furnished the Tribunal appears to be defective. It seems to lack this document on Page 60. It lacks several pages.

MR. SHILLER: Lacks Document ND-408, your Honor?

JUDGE SEBRING: ND-408 is here, Counsel, but it is on Page 65.

MR. SHILLER: Sorry, I didn't hear your Honor.

JUDGE SEBRING: ND-408 is here but it is at Page 65. What do you have ahead of Page 65?

MR. SHILLER: I have Document ND-409, your Honor,

JUDGE SEBRING: Perhaps I can straighten it out. You may go right ahead.

MR. SHILLER: This is a letter from Theodor Laue to the defendant Rudolf Brandt dated 12 September 1942.

"Dear Comrade Dr. Brandt:

"In compliance with your suggestion a conference took place yesterday with Gruppenfuhrer Professor Dr. Grawitz, which, like all previous conferences, took a very satisfactory course.

"The treatment of dysentery in aid stations and dispensaries, as I had it in mind, would, in the opinion of Gruppenfuhrer Dr. Grawitz, neither serve the forces nor the scientific research work which we are carrying on. I cannot but fully endorse the reasons given by the Gruppenfuhrer. It has been planned now that cases of dysentery will be treated clinically and with the competent bio-chemical remedies back home. A practical elucidation of this problem should thereby be achieved soon.

"Furthermore I would like to pass on to you the following information.

"From the beginning the Gruppenfuhrer and I shared the opinion, that the experimental work, practised on an extraordinary large scale at Dachau, would be handicapped to a considerable extent, due to the absence of any medical attendance and observation on the part of a physician who is well

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versed in biochemical treatment. We therefore have been on the look-out for such a physician all the time, since the ranking member of the biochemical physicians, Dr. Feichtinger of Munich, cannot be considered for this task, owing to his advanced age.

"Gruppenfuhrer Dr. Grawitz, who takes great interest in the completion of the experiments, immediately took care of my suggestions, to assign Dr. Kiesswetter to Dachau; he is the bio-chemical physician of Magdeburg, who has applied bio-chemical treatment exclusively since 14 years. Dr. Kiesswetter, to all probability, will take up duties at Dachau for 6 weeks, beginning 1 October, provided the Medical Chamber will give Dr. Kiesswetter the necessary leave. The Gruppenfuhrer told me that he would use his entire influence with the Medical Chamber in order to get Dr. Kiesswetter for this important research work.

"I think that a decision for further steps to be taken can only be made after the work of Dr. Kiesswetter at Dachau is taking full effect. The fact satisfied me most, that, in view of certain failures which were registered at Dachau lately, Gruppenfuhrer Dr. Grawitz has determined to draw up things from a purely scientific basis, in order to thrust a cleaver first of all into the matter of the mineral salt therapy. I am inclined to think that this idea will be accepted with general satisfaction, because there could be no better opportunity to carry it through, than just in Dachau.

"Having thus found the key to the problem, that is, the cooperation of a physician well versed in this branch of knowledge, I believe that success is assured.

"I should be much obliged to you if you would sometimes inform the Reichsfuhrer about the state of affairs."

"Hail Hitler
"Yours respectfully
"Signature: Th. Lauo"

On pages 583 and 584 of the transcript the witness Stoerr testified that case histories and fever charts had been compiled at Dachau on each inmate subjected to these phlegmon experiments. Upon being asked where these case histories were now, he said that he did not know but that they might have been taken to Berlin by different visitors to the camp and that one of the visitors was Dr. Grawitz.

I now offer into evidence Document Number NO-994, as Prosecution Exhibit 251. This begins on page 63 of my document book, Your Honors. It should follow the previous document regardless of the pagination in your document book. This document was found by the Prosecution among the personal effects of Dr. Grawitz in his home in Berlin. It consists of a case history of one Phlegmon experiments, together with fever charts. I shall now read this case history which shows clearly what this one experimentee underwent:

"Diagnosis Artificial Abscess on Left Thigh and Right Upper Arm.

"Naterski Stefan, born 21 January 1909, Sch P 30300

"Admission: 10 November 1942....."

Your Honors will note that on page 72 of this document book, that is near the end of the case history at the beginning of the fever charts, the last date is April 12, 1943, showing the duration of the sufferings of this one experimentee.

"Case History:

"Childhood diseases not remembered.

"1941 Typhus.

"Findings:

"33-year old patient with reduced resistance.

Head and neck; negative.

Chest: no indication of any active specific pulmonary process.

Heart: negative.

*Abdomen: soft, no sensitiveness.

Extremities: negative

Temperature: 35, 8, Pulse: 60

Weight: 51 Kilograms. Height: 1.63 meters.

*Course

11.11.42 At 1800 one cubic centimeter pus is injected into the left thigh right next to the abductor channel; that pus, called 'Parolin' contains, as microscopically proven, a great number of streptococci chains.

Later on in the evening the patient complained about severe headaches and a pulling pain in the left thigh.

12.11.42 Around the injection on the left thigh a slight swelling, together with tenderness, appears.

13.11.42 Continued swelling on the left thigh especially on the inside. Pains mainly when moving the left leg; sometimes shocking pain in left thigh even if in quiet position. Reddishness of the injection area in size of a palm.

14.11.42 No change.

15.11.42 The whole left thigh greatly swollen. Pressure sensitiveness and pain grew in extent. Persisting headaches.

16.11.42 On the injection area on the left thigh a pustule of the size of a pea appears. Otherwise no changes on the left thigh. Patient complains about severe shocking pains.

17.11.42 The whole left thigh remains greatly swollen. On some small areas around the injection area reddishness appears. A penny-sized, pus filled pustule appeared over the skin puncture. Strong pressure sensitiveness on the whole inside of left thigh.

18.11.42 No changes.

19.11.42 Superficially no marked changes on left thigh. Swelling grows toward the knee. The patient complains of severe shocking pains. The left leg to be immobilized today in the Volkmann splint.

Puncture on the left inside of the thigh brought about 14 cubic centimeters of syrupy pus, 3 cubic centimeters of which were immediately injected in the right arm intravenously.

20.11.42 Swelling and slight reddening of the injection area on left thigh remained. Patient feels strong, shocking pains.

21.11.42 Pictures.

Slightly off middle, in the middle of the left thigh, we find a bumpy growth with maceration of the epidermis and reddishness the size of a half dollar piece. From the old puncture syrupy pus oozes.

The left thigh is swollen in its entire circumference.

Under ether anesthesia an incision is made in the middle of the inside of the thigh; further penetration was performed with a surgical instrument. Approximately 250 cubic centimeters of yellow syrupy pus was found. On the back side of the left thigh a counter incision was made; both incisions were connected with rubber catheters to enable a pus drainage. Afterwards dry dressing and Volkmann splint were applied.

22.11.42 The swelling on the left thigh receded slightly. Slight drainage of brown pus mixed with blood oozes from the incisions. Pressure sensitiveness on the left thigh remains only in the vicinity of the incisions. Right

lower arm is swollen and pressure sensitive in the lower half, especially on the inside where it shows slight reddishness too.

Therapy: Leg bath, Rivanol flushing, drainage, dry dressing, Volkman splint.

23.11.42 Continued slight receding of the swelling on left thigh. The incisions emitted freely yellow-brown pus mixed with blood. Necrotic tissue is likewise discharged. The right upper arm remains swollen in the lower half; is slightly reddened and pressure sensitive.

Therapy as on previous day.

24.11.42 Superficially no changes on left thigh. Slight discharge of pus from the incisions. The patient complains about pains in the right upper arm. Wet compress is being applied.

25.11.42 Slight swelling of left thigh still perceptible and reaches down to the knee. On pressure, thin, yellow-green putrescent pus discharges from the incision. Small parts of necrotic tissue are still being discharged likewise.

Therapy: Leg bath, Rivanol flushing, drainage, (rubber catheters are to be shortened today), dry dressing, Volkman splint.

26.11.42 The incision on the left thigh discharges some pus. The right upper arm remains swollen and reddened. Fluctuation is not yet tangible. Wet compresses to the right upper arm are still being applied; in order to avoid decubitus the patient gets a massage of his back with Tilonin ointment. The patient complains about the anchors. Start of internal therapy. The patient gets today 6 grams Tibetan

intravenously, 6 grams Albucid orally, 3 x 1 cubic centimeters Cardiazol Sympatel subcutaneously.

27.11.42 Left thigh and knee remain slightly swollen. Pressure sensitivity around the wound. Only slight, yellow-brown pussy discharge from the incision. The swelling on the right upper arm receded slightly; the patient feels less pain on this spot. General feeling of the patient seems to have improved in the last couple of days, but patient complains about insomnia and loss of appetite.

Therapy as on previous day.

28.11.42 Superficially no marked changes of left thigh. Yellow-brown pus drains from incisions. On the lower end of the right upper arm an enlarged swelling appears on the bending surface; skin is reddened. Slight fluctuation of the swelling is noticeable. Under Chloroethyl anesthesia incision is being made. Sprung pus drains freely. Iodoform gauze strip and rubber catheter are introduced; afterwards dry dressing. The whole left arm is immobilized. Therapy: 12 grams Tibetan intravenously, 6 grams Albucid orally, and 3 x 1 cubic centimeters Cardiazol-Sympatel subcutaneously.

29.11.42 Left thigh continues to remain slightly swollen. Slight discharge of brown pus from the incision. The swelling of the right upper arm receded slightly. The incision drains freely heavy reddish brown pus. The epidermis of the size of a palm is injected around the wound.

Therapy: On the left thigh flushing of the wound with Rivanol, drainage, dry dressing, Volkman splint. Internally as on previous day.

30.11.42 No change. Therapy as on previous days.

1.12.42 Left thigh only slightly swollen but heavy drainage of green-yellow purulent pus from the incision. Right upper arm only slightly swollen. The wound discharges but very little thick yellow pus. No pains, no pressure sensitivity.

Patient remains slightly weakened.

Therapy: Externally: Left thigh and right upper arm as on previous day.

Internally: 12 grams Tibatin intravenously and 6 grams Alacid orally.

2.12.42 No change. Therapy: as on previous day.

3.12.42 Swelling on left thigh remains. The incision on the inside drains after sounding with the Kernzange heavily dirty brown, thin pus, mixed with blood and of foul odor. The wound on the right upper arm drains only slightly. For quicker epithelization cod liver oil ointment is applied. Therapy: Otherwise as on previous day.

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- 4.12.42 Heavy drainage of pus from the incisions on left thigh otherwise no marked changes. Right upper arm shows still heavy injection of the epidermis in the vicinity of the incision.
- Therapy: Externally: as on previous day.
- Internally: 6 g. Tibetin i.v. and 6 g. Albucid orally, 3 x 1 cc Cardiazol-Sympatol s.c.
- 5.12.42 During the night suddenly heavy bleeding from the incision of left thigh. No stoppage could be achieved with dressings.
- The wound on the arm is without pus and drains only slightly. Epithelization starts from the edges.
- Therapy: Internally: 12 g. Albucid orally, 3 x 1 cc Cardiazol-Sympatol s.c.
- Externally: Tampons flushing of the wounds, dry Russell splint.
- 6.12.42 Again heavy bleeding from the incision on left thigh. Under ether anesthesia the ventral saphena magna is located through the old incision and tied up. Thus stoppage of bleeding was achieved. Afterward's introduction of a drain, partial tamponation, dry dressing, splint.
- Internal Therapy: as on previous day.
- 7.12.42 Marked swelling of the left thigh, in the middle, as compared to yesterday. The left knee shows slight swelling. No definite improvement of general feeling. Little sleep, no appetite.
- The wounds on the right upper arm heal well.
- Therapy: Externally: drainage, tamponation, dry dressing, Volkman splint.
- Internally: as on previous day.
- 8.12.42 Externally no changes on left thigh. The wound on the inside still open. The patient complains about pains in the left knee, which shows a strong swelling. The left calf is swollen likewise in its upper half.

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- Therapy: Externally on left thigh, flushing of the wound with Rivanol, drainage, suspended on, dry dressing. As of today only dry dressing to be applied on right upper arm.
Internally: As on previous day.
- 9.12.42 Slight pus discharge from the frontal incision of left thigh. The swelling of the left knee disappeared almost completely; pain in the knee and calf improved likewise.
Therapy: Externally: As on previous day.
Internally: As on previous day with 20 mg Cortison i.m.
- 10.12.42 No external changes on left thigh. Slight pussy discharge only from incision.
Therapy: Externally: Flushing of the wound with Rivanol, dry dressing, splint. The wound's are now without insertion.
Internally: 12 g. Albucid orally, 3 x 1 cc Cardiazol-Sympatol s.c. 20 mg Cortison i.m.
- 11.12.42 No change. Therapy as on previous day.
- 12.12.42 No change. Therapy as on previous day.
- 13.12.42 Left thigh shows still slight swelling in the middle. Little drained today from the incision. The patient complains about slight pains in left leg directly below the knee. The wound on the right upper arm is completely healed. The patient remains weak. The temperature remains constant, almost normal; pulse still irregular, and at times, increased rate.
Therapy: Externally: Dry dressing and splint on the left thigh.
Internally: 12 g. Albucid orally, 20 mg Cortison i.m.
- 14.12.42 The incision on left side drained today only slightly. The patient again complains about slight pains below the knee. The knee itself is slightly swollen on the inside.
Therapy: As on previous day.
- 15.12.42 Pictures:
The incisions of the left thigh show but small secretions every

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day. Continued epithelization and nice granulation on the edges of the wound. Dry dressings are applied now only every other day. Therapy continues externally with dry dressings and volkmann splint. Internally: 12 g. Albucid orally, 3 x 15 dr. Cardiazol, 20 mg. Cortiron i.m.

19.12.42 A slight swelling is noticeable on the left leg; it stretches from hand-width above the knee all the way down to the ankle. On the in and outside of the left thigh about a hand-width above the knee, slight pressure sensitivity was felt. The incisions on the left thigh are free of pus. No special complaints. Therapy: As on previous day.

20.12.42 No changes. Therapy: Externally: As on previous day. Internally: 12 g. Albucid orally, 3 x 1 cc Cardiazol-Sympatol s.c., 20 mg. Cortiron i.m.

21.12.42 Only very slight swelling noticeable on left thigh. No complaints. The incisions are free of pus, and as of today, only every other day dressed with boric acid ointment. The volkmann splint is to be removed. Internal therapy as on previous day.

29.12.42 During the last couple of days no marked changes were noticed on the left thigh. On the wounds, free of pus, prolific granulation is noticed. The patient still feels rather weak. He followed during the last couple of days the therapy as outlined on 20 December 1942. A slight temperature increase was noticed during the evening hours of the 26, 27, and 28.

30.12.42 The patient is free of fever. No swelling in the left leg. The wounds of the incisions are clean and dry. Some parts show prolific granulation. No special complaints. The patient feels remarkably better.

Therapy: Internally: 20 g. Tibatin i. v., 20 mg Cortiron i.m., 3 x 15 dr. Cardiazol.

1.1.43 No change.

Therapy: 10 g. Tibatin i.v., 20 mg Cortiron i.m., 3 x 15 dr. Cardiazol.

12.1.43 During the last 12 days the wounds on the left thigh healed completely. The wound is without dressing. No swelling noticeable on the left leg. The patient feels well and spends a couple of hours every day out of bed. Temperature and pulse are fairly normal.

18.1.43 The status of the patient continues to improve remarkably during the last couple of days. No complaints whatsoever. He is to be released from the hospital to light duty as of today.

Summary

After injection with Purelin an abscess formed on the left thigh. Likewise formed an abscess on the right upper arm after an i.v. Purelin injection. Both abscesses were opened. On the left thigh large and deep-seated necroses developed. Blood vessels were destroyed. There were strong hemorrhages; ligation of the vena saphena magna had to be performed to

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bring about a stoppage. The wounds continued to discharge
pus for several weeks. Internally large doses of Albuoid
and Tib-

atin were administered. The cleaning of the incisions progressed comparatively quickly as compared to that of biochemically treated patients. The patient recovered fully and is again available for work.

Sulfonamide was given during the course of the diseases as follows:

Tibetan i.v.	124 g
Albucid orally	336 g

"Appendix

Several weeks after discharge the patient was readmitted.

Diagnosis: Dtorus

- 13.2.43 Urine: Character opal, bilirubin; positive, some leucocytes, some epithelial cells, bact. \neq , mucin, excrete \neq .
- 19.2.43 Bilirubin in blood serum 1.6 mg. %, Direct examination negative.
- 23.2.43 Bilirubin in blood serum 2.65 mg %.
- 3.3.43 Bilirubin in blood serum 1.8 mg %.
- 15.3.43 Takate-Ara positive, Gross comparative reaction to T.A. \neq
Bilirubin in blood serum 4.0 mg %. There is a distinct swelling of the liver without pressure sensitiveness, and strong yellowish discoloration on the whole body. No special complaints. Temperature and pulse remain steadily normal.
- 30.3.43 Bilirubin in blood serum 1.5 mg %, Takate-ara \neq .
- 6.4.43 Bilirubin in blood serum 3.45 mg %. The patient gets insulin glucose and is put on a diet.
- 12.4.43 The yellow discoloration of the skin almost completely disappears. There is but a slight discoloration of the sclera. General condition is good."

DR. SCHILLER: That is the case history of a fortunate experi-

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mentee who recovered. My associate, Mr. Hardy, will now present the
evidence of the LOST or mustard gas experiments.

MR. HARDY: At this time the Tribunal should have Document Book 13 in its possession. Number 12 deals with the Typhus Experiments. We will deviate from the normal course and take this up at this time.

Prosecution charges in its indictment defendants Karl Brandt, Handloser, Blose, Rostock, Gebhardt, Rudolf Brandt, and Siemers with special responsibility for and participation in the LOST experiments. These experiments were conducted between September 1939 and April 1945 at Sachsenhausen, Natzweiler, and other concentration camps for the benefit of the German Armed Forces to investigate the most effective treatment of wounds caused by LOST gas. LOST gas is a poisonous gas commonly known as mustard gas. We shall see in a moment that these experiments, as many of the others, were the direct cause of death.

I refer to page number one.

THE PRESIDENT: Before we proceed with the reading of these documents the Tribunal will recess.

DR. SERVATIUS: Mr. President, the document NO-372, the affidavit of Rudolf Brandt which is to be presented, has been sworn, like a series of other documents and affidavits, before a United States civilian. It cannot be seen if that person is entitled to give an oath. In the same document book, under NO-590, an affidavit has been sworn to before a Canadian civilian, and the affidavit NO-881 has been sworn to before a neutral civilian.

Now, it should be shown that all these persons are entitled to give an oath because otherwise the oath is not properly administered. Therefore, because of the lack of proper information I object to the presentation of this document.

MR. HARDY: May it please the Tribunal, in answer to this objection, I wish to state that the problem exists here in that the employment of translators is one which requires employment of French civilians, Swedish or Swiss civilians in order to have our documents properly translated.

In the first case I am not familiar with the name Standring, but I assume he is one of the Swiss civilians working here in the translation section, and he is duly authorized by the Chief of the Section, Mr. Millard, to certify a translation.

Now, it will be absolutely impossible for anyone, other than the original translator to certify a German document or a French document, whichever the case may be, to be the official translation, other than the translator himself. That case exists throughout. However, to relieve Dr. Servatius, in connection with the second document he mentions, NO-590, the Prosecution will not read that here at this time inasmuch as the witness, Ferdinand Holl, himself will take the witness stand tomorrow. We have been able to bring him here to Nurnberg and due to that fact we will not read that affidavit into evidence.

However, the others are substantially correct to satisfy the Director of the Language Division and are official employees of that division. Mr. Favarger, in the last document, is an employee of the

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Prosecution, a French civilian, and he has conversant knowledge of
the French and English languages.

THE PRESIDENT: If I understand the objection of counsel, it is not to the certification of the translation but to the person who purported to administer the oath to the witness. The first document, Number NO-372, signed Rudolf Brandt, was apparently sworn to by Walter H. Rapp, and no authority for Mr. Rapp's administering an oath appears on the document. If I understand counsel's objection, it is to that point.

MR. HARDY: Well, again on that point, sir, we have Walter H. Rapp, Chief of the Evidence Division of Office Chief of Counsel, duly appointed to act in that capacity by the Chief of Counsel. We also have, in that last affidavit, Pavarger, who is an employee of the Office of Chief of Counsel, a neutral civilian, who is authorized as an investigator as well as a translator and research analyst to take trips on behalf of the Office of Chief of Counsel, and on such trip he obtained this affidavit.

THE PRESIDENT: In that connection, in the first place, Mr. Rapp's title does not appear after his name when he administered the oath, and in the second place the Tribunal is not advised, so far as I know, of the authority of one holding Mr. Rapp's position to administer an oath. Certainly when anyone signs an affidavit as having been the person administering the oath, the title of his office which empowers him to administer that oath should appear upon the face of the affidavit.

MR. HARDY: That is quite correct, your Honor, if you want, I will have these affidavits rectified to meet with your request. However, I don't believe we have followed that throughout in the other affidavits that we have presented. I am not sure, I think we have followed this system continually here.

THE PRESIDENT: This is the first time the matter has been called to the attention of the Tribunal by any objection on the part of counsel for the defense.

MR. HARDY: Well, as I say, I can have the documents altered

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by Mr. Rapp and Mr. Faverger if the Tribunal so requests.

THE PRESIDENT: Have you any other affidavits that are properly verified by the person administering the oath, which you can proceed to read while

these are being corrected?

MR. HARRY: No, I am sorry, your Honor, I don't. This will interrupt the continuity of this presentation, without reading at this time the affidavit of Rudolf Brant, and in the event that the Tribunal so sees, we would request an adjournment until tomorrow morning.

THE PRESIDENT: You are prepared to show proper authority on the part of one holding Mr. Rapp's position and of the other persons who have administered these oaths to lawfully under the rules of law governing the operation of this Tribunal, administer an oath to a person?

MR. HARRY: I will have to investigate the situation, your Honor. At this time I am not prepared to answer.

MR. SLUTER: Mr. President, it is my opinion that if any official of the Prosecution is entitled to receive an affidavit of a witness and to certify it, then the same privilege should also be extended to defense counsel and for the further reason, because generally after all, it is believed that the defense is not to occupy a worse position than the Prosecution.

I make this suggestion for the reason that today, upon my return from my Christmas vacation I have found a ruling of the Tribunal which orders us defense counsel, that we are to have affidavits by witnesses certified either by the Landrat, that is the political official in Germany, or by a local mayor if it is a case of dealing with a smaller city, or by the chief mayor if it shall be a larger city or by the president of a civil court, or by the competent representative of the American Military Government.

I will have to correct myself. It is even stated in the ruling, "and by the competent representative of the American Military Government". Gentlemen, I state quite openly that I am not able to carry out this ruling; and I furthermore state that I shall not even try to do this because with this I would make demands upon the witnesses with which I cannot burden the witnesses. Your Honors, may I just give you some brief reasons for this? It is not pleasant here for a German. If in a trial he is called as a witness, the witness has to be afraid that as a witness he will be named through the press and every German today is afraid that his name will be at all mentioned in connection with such a trial. And this fear is not quite without reason because in the first trial, the big Nurnberg trial, we have seen cases where witnesses were arrested after they had been called here as witnesses; and these cases have also been mentioned in the press. If any of the present defense counsel today communicate with a German and request him to submit an affidavit to us, in nine out of ten cases we can count with certainty that he will try to avoid this, and he will answer, or he can tell us either "I do not know anything about the matter," or "I do not want to have anything to do with the matter because I value my liberty more than the ten or twenty defendants." And perhaps if he is a polite man, then he will add, "Will you please turn to the colleague Meier or Huber, perhaps he may be in a better situation to know something about the subject than I am."

Now, by virtue of the ruling of the Court, we ask the witnesses that first of all they are to go to some high official of the German authorities. Already that in itself in many cases, perhaps, requires a trip that may take hours and waiting for hours until the man can be heard. When he has finally finished with that, then he has to do a second thing because now he has to look for hours until he can find the competent official of Military Government; and then perhaps as is common practice, he can be sent from one office to the

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other and finally in the evening he may finally know that he has not found the competent official of Military Government.

Gentlemen, I am convinced that if I ask any German to burden himself with anything like that, if I request him to fulfill these conditions, then I will not be able to obtain one single affidavit.

Gentlemen, let me put myself into his position. If any defense counsel in any other trial would write to me and would ask me for an affidavit, do you really believe that I would perhaps run around here in Nurnberg for hours and would try to find somebody who would be in the position to sign my affidavit? I would not do it. And amongst a hundred people to whom we may write perhaps 99 will refuse to do that also. Your Honors, I would now request you to consider these misgivings which I have stated from the experiences of our practice and the experiences of the first trial, and I ask you to consider these points once more; and particularly with the view to the fact if perhaps it would not still be possible to find a more simplified form of obtaining affidavits.

I personally feel that the procedure in the first Nurnberg trial has really proved itself worthwhile, namely, that the affidavits are certified by the defense counsel who has to present it. After all, the main purpose for submitting affidavits is that the person who gives it, that is the witness, knows that he would be jailed or imprisoned if he gave any false testimony. It is my opinion, Your Honors, that if the defense counsel who, by virtue of his office has to work here, has to certify the signature with his own name, this perhaps should also suffice in the present trial just as it sufficed in the first trial. Defense counsel naturally are prepared to do everything which the Tribunal may decide on in order to bring this trial to a smooth and fair conclusion, but what is demanded from us now, I for myself cannot comply with it, and I doubt if the other defense counsel will not finally occupy the same point of view as I.

THE PRESIDENT: The Tribunal will recess until 9:30 o'clock tomorrow morning at which time counsel for the Prosecution may present the authority of the officers who have taken the affidavit to administer the oath, and the matter suggested by counsel for the defense. The Tribunal has no desire to place undue burden on counsel for the defense in preparing their defense and that matter will be taken under serious consideration by the Tribunal.

consider whether Mr. Rapp possessed authority to administer an oath. We submit first that the admissibility of the Rudolf Brandt affidavit does not depend upon an oath. Article 7 of Ordinance No. 7, states, and I quote, "The Tribunals shall not be bound by technical rules of evidence. They shall adopt and apply to the greatest

possible instant expedition on non-technical procedure and shall admit any evidence which they deem to have probative value."

It see, therefore, the test of admissibility of evidence is whether or not it has probative value. Now, the objection has been made to an affidavit signed by a defendant. To submit that a statement signed by a person following his arrest has substantial probative value, whether sworn or unsworn. This is very clearly an admission against interest which is entitled not only to be admitted but is worthy of considerable weight. We have had very little time to search the voluminous records of case number 1 for the IT on this point, but we have found a number of statements signed by one or the other of the defendants which were admitted in evidence although apparently without objection. At this time I have copies of these exhibits, one with USA Exhibit No. 9 which is an affidavit of Julius Streicher, sworn to by Julius Streicher and approved by attorney for the defendant, Dr. Marx. Another, Document 2536-18, USA Exhibit No. 4, and affidavit by Herman Goering, attested in the same manner, and so on. I have here several such affidavits that I will pass up to the Tribunal for their perusal.

(The papers were handed to the Tribunal.)

2. PRESIDENT: Without any doubt, Dr. Tardy, a statement signed by a defendant is admissible as against him and as an admission against interest. A statement concerning such an affidavit involves the admission of such a statement as against other defendants. Those statements which you have exhibited to the Tribunal, several of them at least, were signed and evidently approved by the counsel for the party who made the statement. It does not appear from the statement themselves whether they were offered simply as admissions of fact evidence by the party who made them, in which event, of course, they are perfectly competent.

3. COURT: We submit that most of these statements were signed by defense counsel as well as defendant in this case of the affidavit of Rudolf Brandt it is likewise, as Your Honor says, an affidavit testifying as a

Wittness as well as an admission against interest showing his complete knowledge and his tie-up with the entire program and admission of those experiments. To submit, therefore, the affidavit of Rudolf Brandt is admissible whether or not it be regarded as a statement under oath. The prosecution, however, does not wish to rest its argument on this narrow ground. It is our position that this affidavit was sworn to and should be considered by the Tribunal as a sworn statement. The affidavit shows on its face that it was signed and sworn to before Walter H. Rapp. Rapp is described in the jurat as a U. S. civilian, identified by the number 64-16387, and signed by the Adjutant General's Office of the War Department of the United States. This is certainly the most precise identification we could give. Through that number he can be identified among thousands of persons under the jurisdiction of the War Department. Now we can see that the jurat does not describe his position with the Office of Chief of Counsel for War Crimes and may perhaps be criticized in that respect. This has been remedied as I have said Walter H. Rapp with the description of his position and initialed it in the original affidavit.

In any case, the lack of such description does not make the documents inadmissible. He is, in fact, the Director of the Evidence Division of the Office of the Chief of Counsel for War Crimes, duly appointed by the Chief of Counsel for War Crimes, Brigadier General Safford Taylor; and, in such, he is charged with the duty to aid in the production of evidence, and invested with all the necessary powers to fulfill this duty, including the authority to administer oath. By the same token, other employees of C.W.C. who are charged with the duty in dealing with the production of evidence are invested with the same powers. And, this situation is not new or strange to the defense counsel; for it is the defense counsel representing the defendants in case Number 1, a number of affidavits were admitted in evidence before the I.T. where the oath had been administered by a civilian employee of the Office of the Chief of Counsel. For example, I have here in my hand an affidavit which was Exhibit No. 922 before the I.T., and which was signed and sworn to by one Kurt Smith before Doctor Robert H. Korman, (68); also, Exhibit No. 945, before the I.T. is the same. It is noted that it was witnessed by two civilians. For the foregoing reasons, your Honor, the Prosecution states, at this time, Exhibit No. 372 is admissible.

THE DEFENSE: (For the defendant Carl Brandt) Mr. President, the trial procedure which has been chosen by the Prosecution, in order to save reasons for the indictment, is resorted to such an extent on affidavits of this kind. The defendants are present here and could be heard in the open. I have objected to the presentation of such documents because they violate the so-called Golden Rule; that this is not always the best evidence to be presented. Now, finally it is discovered that the Tribunal before had turned down my objection. Now, it is discovered that some of these affidavits have been administered by official persons who are not entitled to carry out and administer this oath. It is not appropriate, in my opinion, to have an oath administered in such a valuable document, which is presented by the Prosecution, in such a form. According to the German law, it is not permissible to present such evidence

to the Tribunal if the oath has not been administered by the Judge. There are the persons who have administered the oath — they are just plain civilians whose qualifications are perfectly unknown. The representative of the Prosecution has previously presented an affidavit on which was sworn to by Doctor Karpner. As far as I know, Doctor Karpner is the attorney Karpner, who worked in the previous trial for Justice Jackson; and in these cases, they have been highly qualified persons. I am afraid that these affidavits of the defendants have not been given with the necessary judicial security which as it is expected. All the affidavits which I have read over have been sworn to, and the person before whom they are sworn to, therefore, plays a major part. I, therefore, consider it necessary not only to identify the persons who have administered the oath, but also that their qualifications be stated so that we can determine to what extent the statements might be justified. Under this it means that statements which are given at the police station before a police official can frequently be introduced in court, and the criminal procedure occupies itself with these questions in detail. This is a chapter which I do not need to explain to the Tribunal any more in detail. I only want to point out my doubt that such a procedure be obligatory. After all, it is an official procedure. The witnesses are there and they can be placed before the Tribunal. People who are not jurist I do not consider comparable with the procedure of such importance as we are having here.

THE COURT: It will not be my opinion, personally, that the Prosecution could call a defendant to the stand and put him on as a witness without his consent, unless he would ask to testify. That covers part of the objection raised by Doctor Karpner.

Is there any further argument on the part of the defense counsel?
(Apparently none.)

Of course, if the Prosecution offers a statement, by a defendant, such as this, it would clearly be admissible against him. As I think I stated previously this morning, the question would be how far that could

be evidence against other defendants. I inquire of the Prosecution if this Exhibit, which is under discussion, is offered only as an admission in interest against the defendant Rudolf Brandt or whether it will be the Prosecution's desire to consider it as evidence against every defendant?

THE PROSECUTOR: If the Tribunal please, we certainly offer this document and ask that it be considered against any and all of the defendants as to whom it may contain evidence. It seems to me that the fact in question is whether or not this document has probative value. If that question is determined in the affirmative, then I think it is admissible under Ordinance No. 7. Now, inasmuch as it does contain admissions against the man who signed the affidavit, I should think that quite aside from its admissibility it would give the document tremendous weight in the mind of the Tribunal. This man, in making this affidavit was, himself, admitting participation in the particular experiment which is concerned. At the same time, he proceeds to tell the full story as he 'knew' it; and, of course, such evidence reaches other defendants in the dock. Simply because that is so, I certainly see no reason to limit the admissibility of this document, and certainly the Prosecution does not offer it simply as an admission against the one defendant.

THE TRIBUNAL: The Tribunal will take a short recess and discuss the matter.

(A recess was taken.)

THE CHAIRMAN: The Tribunal is again in session.

THE PRESIDENT: In regard to the question before the Tribunal, the Tribunal is of the opinion that the statement signed by the defendant Adolf Brandt, being Document NK-372, now offered in evidence as Prosecution Exhibit 252, should not, in its present form, be received in evidence as against any defendant other than Adolf Brandt. However, if the Chief of Counsel for the Prosecution can and will file with the Tribunal a certificate disclosing that the "U.S. Civilian Walter E. Rapp", who is reported to have administered the oath to Adolf Brandt, was authorized to do so, either as an officially designated member of the staff of the Prosecution or in some other competent official capacity, the Tribunal will admit the signed statement of Adolf Brandt and give to it probative weight as the Tribunal feels it is entitled to have. Meanwhile, if the Prosecution is now in position to make the assertion to the Tribunal that such a certificate can and will be filed by the Office of Chief of Counsel the signed statement, Document NK-372, will now be received in evidence provisionally and a ruling as to its admissibility will be reserved until such time as such certificate is supplied.

THE CHAIRMAN: If the Tribunal please, we are prepared to supply the certificate which is required by the Court's ruling and, accordingly, should like at this time to have the exhibit provisionally admitted and we will file the necessary certificate as soon as it can be prepared.

THE PRESIDENT: In view of the statement of the Prosecution, the offered exhibit will now be received in evidence subject to the statement made by the Tribunal.

The Prosecution may proceed.

THE CHAIRMAN: This document appears on Page 1 of your Honors' Document Book; Document NK-372 which is offered provisionally as Exhibit 252.

"I, Rudolf Emil Hermann Brandt, being duly sworn, depose and state:

"1. I am the same Rudolf Brandt who has already sworn to an affidavit on the 30th August 1946, concerning the low-pressure experiments which were carried out at the Dachau concentration camp, on persons, some of whom did not volunteer, as well as certain other affidavits concerning medical experiments which were also carried out on subjects who did not volunteer.

"2. For the same reasons explained in paragraphs 1, 2 and 3 of my affidavit of the 3-th August 1946, I am able to give this evidence concerning experiments conducted on human subjects.

Experiments with LOST (Mustard) gas.

"3. Towards the end of the year 1939 experiments were conducted, at the Sachsenhausen concentration camp, on persons who were certainly not all volunteers, in order to ascertain the efficiency of the different treatments of wounds inflicted by lost gas. Lost is a poison gas which produces injurious effects on the epidermis. I think it is generally known as mustard gas. Since war had broken out it was deemed necessary to determine the best treatments for injuries caused by lost gas in case this gas might be used against the Reich. Therefore experiments were conducted on inmates of concentration camps. As far as I understood, the experiments consisted of inflicting wounds on various parts of the bodies of the experimental subjects and infecting them thereafter with lost. Various methods of treatment were applied in order to determine the most effective one.

"4. SS-Hauptsturmführer Dr. August Kirt, professor at the University of Strasbourg and collaborator in the "Amonsee", had before 1942, undertaken experiments on lost-injuries on the orders of the Wehrmacht. Attention was called to Kirt's reports in Himmler's office. In the second half of 1942 Kirt, together with Oberarzt Dr. Karl Zimmer who served in the Wehrmacht, initiated

experiments on inmates of the Mauthausen concentration camp. The inmates for these as well as for other experiments were simply chosen by Rohlf's office, the Economic and Administrative Main Office (WVHA), in order to be employed for such purposes. The experiments on human subjects with lost gas had been carried on during the years 1943 and 1944 in the Sachsenhausen concentration camp as well as in the Mauthausen concentration camp. The result was that some of the inmates died.

"5. In March 1944 the Fuehrer ordered SS-Brigadefuehrer Dr. Karl Brandt, Commissioner for Health and Sanitation, to encourage medical research in connection with gas attacks. Brandt sent a copy of this decree to Himmler requesting him to distribute it to the competent persons in the SS and to advise them to enter into communication with Brandt. Accordingly, since it was a question of experiments, I distributed copies of the Fuehrer decree of SS-Brigadefuehrer Dr. Brandt, Reichsleiter of the Police to SS-Standartenfuehrer Wolfram Sievers of the "Annenberg" and SS-Obergruppenfuehrer Hans Jentzsch, Chief of the SS Operational Main Office. SS-Obergruppenfuehrer Tacke of the Economic and Administrative Main Office also received a copy of the decree of the Fuehrer.

"6. Theron von Sievers informed Dr. Brandt of the details of Tacke's investigations with lost on human subjects, although I think it possible that Brandt, already in 1942, was, generally speaking, acquainted with Tacke's work, as Brandt in that year was appointed Commissioner for Health and Sanitation. Tacke carried on his experiments, on human subjects with injuries caused by lost gas during the year 1944. I remember that the experiments were made in the Sachsenhausen concentration camp.

"7. Inmates who were subjected to experiments with lost and other experiments were in many cases not of German nationality. Poles and Russians as well as Gypsies and Jews were frequently

employed. It is a fact that Hitler's racial policy required the use of non-German nationals except in cases in which very serious political or criminal offenses had been committed.

"8. Besides Karl Brandt and the other above-mentioned persons, Schloser and Rastock also must have been aware of these experiments. Also Professor Kurt Hlono, Deputy Reich Health Leader and Deputy Reich Leader of Physicians under Dr. Conti, must have been informed of these experiments.

(signed) Rudolf Brandt"

I now request the Tribunal to turn to Page 4 of the document book. This is Document NO-199 which is offered as Prosecution Exhibit 253. It is a letter from Grawitz to the Reichsfuehrer SS pertaining to these experiments with Lest and referring to a remedy called 7 1001, dated 5 January 1940:

"Enclosed please find the final report of the Experimental studies in the concentration camp Sachsenhausen re remedy 7 1001.

Signed by Grawitz

SS-Brigadefuehrer

The Reich Physician-SS"

To turn now to the next page. The report contained here is also part of Prosecution Exhibit 253:

"22 December 1939, Oranienburg

"Final report: regard the 23 cases vaccinated with L. on 13 October 1939.

"70 days after the vaccination the areas of vaccination are, for the most part, healed up. Six of the cases treated still show scabs approximately the size of a ten pfennig piece. The scabs formed about a fortnight ago and are fixed very firmly. Upon lifting them healthy granulation tissue can be seen beneath. In the other cases the skin over the vaccinated areas has turned bluish-red, but is not sensitive to touch. Some cases evince considerable itching and scratching upon application of cold. The

general condition of the subjects vaccinated is not influenced.

Signed by Dr. Sonntag

SS-Untersturmfuhrer"

We now turn to Document NO-198, page 6 of Your Honors' document book, offered as Prosecution Exhibit 254. This is another letter from Grunke to the Reichsfuhrer SS, dated 5 January 1940:

"A preliminary report from the concentration camp Sachsenhausen on the application of the Holmann "Lost" remedy is submitted as enclosure. From this it is evident that no predominant importance is to be attached to the Holmann remedy.

(Signed) Grunke"

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I read now the report, page 7:

"Obg, (Ordensburg), 22 December 1939.

"Preliminary report,

On 8 cases of cauterization by 'Oil-O' and their treatment with remedy 'H' or 'F 1001' with infection induced in 4 of the cases.

"Technique:

Both arms are cauterized in order to have a relatively wide chance of coming to a conclusion, while considering comparatively few cases. 'Oil-O' is spread upon a certain area of the skin about the size of a two mark coin with a platinum loop; for about 30 minutes this area will be dried by air and the arm then dressed with a protecting bandage. An infection is induced in the left arm on the third day in cases 1 and 4 and the fourth day in cases 7 and 8 by rubbing a mixed culture of Strepto, Staphylo, and Pneumococci into the area under the removed blisters or under the scabs that have become loosened during the change of dressings.

"Treatment:

This is applied to cases 1 to 4 by treating both arms with continuous damp applications of remedy 'H', diluted as prescribed, 1.9 to 1.12; while in cases 5 to 8 the right arm is treated with 'H' diluted as prescribed and the left arm with 'F 1001.'

Next is a diagram of treatment showing the various cases as treated by the two remedies, 'F 1001' and the 'H' treatment.

"During the following 8 days bandages will be changed daily and thereafter each second day. Blisters and loose scabs will be removed. If unctuous films appear, they will be brushed off with a 'Zephirdol' solution.

"Course of experiment:

After cauterization with 'Oil-O' drying will take place in about 20 to 30 minutes without causing any pain at all. The skin above the cauterized areas is not changed in any way nor will it not evidence any peculiarities within the next hours. After about 7 to 8 hours a reddish spot the size of

the area of vaccination will appear. With its appearance an ever increasing inflammation and itching set in. The area of the reddening will increase and fade in its center, thus causing the following situation after about 24 hours: in the center of the affected area an anæmic region can be seen which covers more than the area originally cauterized and which has at times assumed proportions of 18.7 centimeters. This will be surrounded by a hyperanæmic area of from 3 to 5 centimeters in extent. In all cases the formation of blisters can be observed after 24 hours. The blisters will always be situated quite characteristically at the edge of the anæmic region forming a wheal to the hyperanæmic region. In removing these blisters the epidermis of the anæmic region will peel off in large shreds and the greatly extended and flattened papillae will lie exposed. The contents of the blisters will be of a jellylike, mucilaginous substance. As a rule the arms will be extremely swollen and the pain is extreme. The tissues will turn to a yellowish grey color during the following days. The surfaces of the wounds will freely exude and necroses will form which adhere very firmly to their base. Later, little isles of granulation tissues will appear which, however, will again and again disappear. In the cases observed the first permanent granulations did not form before the end of an approximately three week period. At this time the surrounding hyperanæmic will have faded and a rather dark brown pigmentation will have appeared in its place. Now the healing process begins, starting from the edges, and the granules will become clean.

The infections induced in cases 1, 4, and 7, by a mixed culture of Strepto, Staphylo, and Pneumococci, will take somewhat different forms. Case 1 will develop symptoms of a sepsis producing high temperatures, chills, swelling of regional glands and a distention of the spleen. In cases 4, 7, and 8, moderate temperatures will be observed. In all cases a strong influence on the general condition of the subjects results. Cocci were not to be demonstrated in the bloodstream. Smears were made after a period of 2 and 4 weeks. In all cases streptococci and staphylococci were found, in case 8 pneumococci also. There is less tendency for the infected cauterized areas to heal.

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"Summary:

"1. Remedy 'H' does not seem to be a specific remedy for cankerizations caused by 'Oil-O.'

"2. The application of remedy 'H' does not seem to have a sufficient bacterioidal effect. From 2 cases of induced infection, one case developed septic symptoms. The healing tendency is reduced in all cases.

"3. The impression is given that the cankerized areas treated with remedy 'H' extended more than those treated according to the 'F 1001' dry method."

(signed) "Dr. Sonntag."

"SS Untersturmfuhrer"

This report evidences the type of procedure used in this experiment and it can be well imagined that the insects suffered.

I turn now to document number NG-200, which is offered as Prosecution Exhibit No. 255. This is a brief note from Rudolf Brandt to Grawitz, dated 29 February 1940, saying:

"Enclosed I am transmitting a letter of the physician Dr. Fritjof Dinard, Frankfurt a/M., Gaertnerweg 16, of 23 February 1940 with the request for notice and study."

"By order of

(signature) Brandt"

which shows the implication of Brandt in this connection. At the bottom there is a notation: "Concerning: Remedy 'F 1001.'"

The next exhibit and the one following.... the next three exhibits, are letters which deviate from lost at the moment but are necessary here in order to show the sequence of correspondence between the defendant Sievers and Hirt.

The first is a letter from Sievers to Hirt dated 17 January 1942 and this is in regard to research and combatting of insects having an effect on man.

"Dear comrade Hirt:

"For the combatting vermin-insects which have an effect on man, as

as mosquitoes, horse-flies, lice, bed-bugs, fleas, etcetera, the Reich Fuehrer SS and Chief of the German Police, Heinrich Himmler, has ordered special measures to be carried out with the aim of preventing more than hitherto the spreading of the insects concerned, to exterminate them, and to prepare effective counter agents on human beings themselves.

"The Reich Fuehrer SS wants all known methods of combatting vermin and those which will soon be developed by further research work to be put to use before the beginning of summer for the benefit of our soldiers in the continuation of the operations.

"The extensive resources required for such a purpose are available. Any co-workers not available as yet, will be secured. "In this matter I have written to all vermin-combatting and research institutes in question, but I have, with few exceptions, received unsatisfactory information.

"Recalling our Strassburg discussions, I therefore turn to you with the inquiry as to whether you see any possibility of collaborating in this great task; what I have in mind is that you put at our disposal your experiences in the field of vitamin-ingestion as a preventive measure. As is known, many people are not molested by the parasites at all, whereas others are molested badly. So perhaps there is a possibility of establishing general immunity by vaccination or by ordering certain drugs to be taken by mouth.

"I should be very grateful to you for an answer as soon as possible, stating whether you can collaborate yourself, or for a suggestion as to what scientists known to you could be asked for help - they need not be vermin specialists at all, - since the Reichsfuehrer SS has declared this assignment to be a very urgent one. With kind regards,

"Heil Hitler!

"Seyers

"SS-Obersturmbannfuehrer."

This document, Number NO-792, is offered as Prosecution Exhibit No. 256, Your Honor.

The next letter is Hirt's answer¹⁰¹⁶ in this sequence of correspondence

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between Sievers and Hirt, which is Document Number N-792 and is offered as Prosecution Exhibit No. 257. This is dated 20 January 1942, addressed to "Dear Comrade Sievers."

"I just received your letter of 17 January regarding research on and combatting of insects afflicting human beings, and hereby give you my opinion in this respect.

"1. In principle I consider that research on and combatting of insects afflicting human beings should be made only by bacteriologists and hygienists and also the industry. I do not think that I am the right man to achieve anything useful in this field. I recommend, however, to contact Prof. Rose (not an SS member), of the Robert Koch Institute, Berlin, who as a tropical hygienist in China has many years of experience in this field; lately he

Also supervised the transfer of the Wolhynia Germans to Germany.

I can also recommend SS Sturmbannfuhrer Prof. Pfannenstiel, Director of the Hygiene Institute of the Giessen University as a competent scientist....."

You see, here, that obviously Hirt has complete knowledge of the reputation of Professor Rose.

"2. The question of immunizing human beings against insect bites can, in my opinion, only be tackled by the manufacture of large quantities of insecticides as a manifold means for active and prophylactic immunization. The carrying out of the method proscribed is, decidedly, a job for the bacteriologists and hygienists. In principle, it may be possible that an active immunization of the troops can be achieved in the sense of a reduction of skin reaction to insect bites, a similar effect being known in the case of epiarists.

"3. I do not believe that the introduction of the vitamin therapy into the sphere of treatment mentioned, so to speak as anti-allergium, may be successful. Practical experiments on human beings without extensive observation would have no sense, as they would not form a basis for a definite opinion.

"4. The question of transmitting diseases by insects and/or parasites would have to be approached by our method of intravital microscopy. It would be a condition that in this respect arrangements would have to be made for the necessary preventive measures to be taken in the laboratory. It would also be necessary to find competent collaborators; this is a problem which cannot easily be solved within a short time.

"I regret that I am not able to give you a more satisfactory answer, and thus constitute an additional failure in your search up to now. But as matters stand, I can not, in the present case, promise more than I am able to do."

"With kindest regards,
1018

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"Heil Hitler!

"Yours,

(Signature) "A. HIRT"

There is an illegible stamp on the bottom, and the signature Sievers.

Now the next letter in the sequence brings in the work on lost. This is document number NO-793, which is offered as Prosecution Exhibit No. 258. This is a letter from Sievers to Hirt dated 9 April 1942. "Dear Comrade Hirt."

"Dear Comrade Hirt:

"At Easter I was at the Fuehrer's Headquarters to see the Reichsfuehrer-SS. We, of course, also discussed your research work. In the meantime, the Reichsfuehrer-SS had read your two essays on "Intravital Microscopy in Luminescent Light" and on "Luminescent Microscopy and its Significance for Medical Research". He was very much impressed and again charged me to tell you that he considers this research work extremely important and definitely worthy of his patronage. It is also his desire that your research work be used in the fight against insects, especially in the investigation of the effects of insect bites on the tissue.

"In the meantime the Research Institute for Entomology has been approved and founded by the Reichsfuehrer SS. I would be very glad if we could have an opportunity to discuss these matters in more detail.

"But, the Reichsfuehrer-SS would particularly like to get some detailed information from you on your lost experiments. We are sure to be in a position to put at your disposal for the furtherance of these experiments unique facilities in connection with special secret experiments, which we are at present conducting at Dachau. Could you not some day write a brief secret report for the Reichsfuehrer-SS on your lost experiments?

"But, you should by no means go to Berlin for the time being, especially since the Reichsfuehrer-SS is staying permanently at the Fuehrer's Headquarters. I, therefore, intend to pay you a visit at Strassburg as soon as possible. But, perhaps it would be easier for you to come to Munich, where I would have the opportunity of introducing you to the Chief of our Institute for Entomology and would be able to give you an insight into our secret experiments at Dachau. I shall be in Bolzano until 23 April, on the 24th and the 25th I shall be in Munich. I would be glad to see you in Munich, in case you really feel well enough to be able to travel to Munich without danger of a relapse. In that case, please write to the 'Ahnenerbe' in Berlin; that office can always contact me immediately at Bolzano. Otherwise, I plan to visit you in the beginning of May in Strassburg.

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Only a gassing of secret recesses would be possible in the application
of the respective measures for precaution. How this will

work out technically, I cannot, determine of course proper experts would have to judge on that. But, probably the case may be the same as with other poisons used for extermination of rats (Phosphor-arsenic, strychnine etc.) that means every type of combat with poison has two sides. In spite of this, your idea to try the extermination of vermin by means of poison gas does not seem strange at all, but an expert on poison gas would have to determine, if there are no other means less harmful for human beings, which would kill the rats.

With kind regards, Heil Hitler! (Signed) SIEVERS.

P.S. "I shall talk over this matter thoroughly one of these days with Prof. HIRT, and I want to see which poison gas expert we might use for the solution of that problem."

Here, the Reich Business Manager of the Ahnenerbe Sievers is, and this is page 20 of your Honor's Document Book, Document No. 097, which is offered as Prosecution Exhibit 260, again writing to Rudolf Brandt. The dated is dated 2 June 1942:

"Subject: SS-Hauptsturmfuehrer Professor Dr. A. Hirt, Strassburg.

"Dear Comrade Brandt!

"Enclosed herewith is a short report - in two copies - on the Lost experiments, which is to be submitted to the Reichsfuehrer-SS. Hirt could prepare this report from his minutes only, because, he had sent away already all his records for reasons of security. Professor Hirt has informed me that he hopes to be able to resume his laboratory work, at least partly, in about two weeks. I, therefore, announced my visit to him for the 16th of June, in order to discuss with him more intensive application, continuation and promotion of his research work, as desired by the Reichsfuehrer-SS. With best regards, Heil Hitler! Yours," (Signed) Sievers.

I read the report:

"Report on the Lost experiments, conducted by order of the Wehrmacht.

"The first series of experiments conducted during the short period of my absence from my field unit dealt with the treatment of Lost-injuries.

"Based upon the fact that the Trypallavin - an Acridine pigment, which

I have employed for the coloring of living cells, penetrates into the nucleus, and, if adequately dosed, paralyzed the cell-proliferation, I arrived at the idea of using this pigment for the treatment of frost-injured tissues. My thought was: The injured cells should be charged with the pigment and this would stop the pathological symptoms of their disintegration which naturally always destroy the healthy cells. The healthy cells, simultaneously charged with the pigment, are put into a state of rest and, after having discharged the pigment, will be able to compensate the thus incurred deficiency by increased cell proliferation. Experiments on animals (pigs and rabbits) were made in Germany in order to determine the effectiveness of Trypanblau in different concentrations and forms; as an ointment, as a solution and as damp applications. At the Berlin Laboratory, to which I was assigned for three weeks, experiments were conducted on two officer candidates. The result showed that the process of healing was undoubtedly speeded up by employment of damp applications. Having been assigned for a limited time only I could not finish these experiments. Then stationed on the West Wall, I had access of a laboratory resident of a pharmacist who injured his hand seriously with frost. I treated him with damp applications and Trypanblau in a concentration of 1:1000 and obtained not only a good healing result but also a very satisfactory cosmetic result, as I was able to convince myself two years later when I met the person in question in France. My suggestion at that time was to treat the patient, when excoriation occurs, with damp applications of Trypanblau solution of 1:1000 until the first granulations appear and then to change to a weaker concentration of Bivanol, which is an aldehyde pigment too. Only toward the end of this treatment is it possible to continue with ointments and dressings. Also the treatment of eye injuries of rabbits showed a good result in comparison with the results of the other methods employed at that time. As I learned later, also damp applications with Bivanol were introduced.

In connection herewith, I tried to observe the effect of poison gas on the living organism. Here the examination of the living subcutaneous tissues

All rats injured by List showed that the injuries were located in the subcutaneous tissues and that they led to injuries of the free connective tissues, which according to previous observations are of a particular importance as vitamin carriers. These cells proved to be incapable of proliferation and formation of cells with 2, 3, 4, even 6 nuclei occurred, which appeared as giant cells in the subcutaneous tissues. We found cells of a similar kind in chronic infectious diseases, tuberculosis and recently also in connection with cancer. The further continuation of the examination of the living interior organs showed the surprising phenomenon of a substance, which we were no longer able to analyze chemically and which when through a fluorescence microscope emitted a strong light and filled most of the coils of the liver. Especially the star-shaped "Kupfer" cells (outer layer of cells in the liver vessels, capable of absorbing all kinds of substances from the circulating blood), which are essential for the liver and also for the vitamin metabolism, were charged with this luminous matter. At the same time the vitamins, which normally can be traced in the liver by means of the fluorescence microscope, had almost completely disappeared. This phenomenon did not surprise us any longer since we had observed similar phenomena in livers of mice which had died of cancer or other serious infectious diseases. I explained these phenomena as a result of a poisoning of the liver, either caused by the poison itself or, which is more probable, by-products of the toxic metabolism. The thus created loading of the liver was not yet analyzed but certainly heterogeneous substance causes a blocking of the entire organ, which already previously was recognized by us as an important accumulator of vitamins. Secondly a disturbance of the entire vitamin metabolism is created and further a deficiency of essential vitamins which are necessary for the interior respiration of the cells. Rapid disintegration results and death follows. By observing the strange resemblance between this liver phenomenon and the phenomena at other serious intoxications caused partly by bacteria, partly by cancer, we approached the conclusion that in certain cases the cause of death for all these diseases is the same and originates from the serious

liver injury.

"Our previous researches in connection with vitamins had shown us that particularly the vitamin A, more than the other vitamins, is accumulated in the very large quantities in the above-mentioned star-shaped "Kupfer" cells, from where they are transmitted to the cells of the liver. We consequently tried to saturate these cells by charging them with a quantity of vitamin A and thus to make an absorption of the products of toxic catabolism or virus impossible, in order to force the organism to secrete them through other excretory organs, particularly through the kidneys. Accordingly we fed rats with vitamin A and subsequently infected them with Lest (rats are very sensitive to Lest and their death can be expected with certainty within 24 to 48 hours after application of a very small quantity of Lest on their back). We had succeeded in keeping the thus treated rats alive for several weeks. The last rat of this series of experiments was still alive after one year. The examination of the organs of the animals which had died after 8 to 14 days showed that the liver had accumulated an abundant amount of vitamin A and that only an insignificant quantity of toxic products could be traced. I was not in a position to conduct the corresponding experiments on human beings because I was forced by the beginning of the offensive against France to return to my unit, from where I did not return until March 1941.

"I submitted at that time a report on these experiments with the accompanying illustrations to my Generalarzt, who transmitted it to Berlin. But I never heard anything further about this research work.

"Its practical application would be to observe first in another experiment the further reaction of the liver, the kidneys, the spleen, etc. of vitamin-saturated animals and then to investigate whether, after a treatment of human beings with vitamin A, which if dosed correctly, can be taken without any concomitant symptom, a certain protection against Lest can be achieved, that is, a protection against its fatal effect and further by means of timely shift of vitamins, which would occur in connection with this treatment, a change of the course of the cutaneous phenomena. Only a

direct experiment would indicate to what extent this is possible. As I did not hear anything from the military command in Berlin as to whether this experiment had been conducted, I cannot report anything about the result. For the reasons already mentioned I was not in the position to carry on these experiments. Since I forwarded at that time also the illustrations to Berlin, I can give now only a very short summary of the experiments conducted by us." (Signed) Prof. Hirt.

This report indicates that we are coming on now to the experimentation on human beings in this regard, as stated by Rudolf Brandt in his affidavit in the first instance:

The next page, page 25, your Honors, in the document book is Document Number NO-196 which is offered as Prosecution Exhibit Number 261. This is a letter from the Office of the Reichsfuehrer SS, obviously from the office of the Defendant Rudolf Brandt, to one of his subordinates apparently, Gottlob Berger, to the Chief of the SS Main Office, dated 24 August 1942, addressed to SS Gruppenfuehrer Berger, Berlin.

"My dear Gruppenfuehrer, SS Hauptsturmfuehrer Professor Dr. A. Hirt, Strassburg, who has played an important role in the foundation of the Institute for Military Scientific Research, would urgently need Oberarzt Dr. medical habilitation Karl Wimmer for the development of this work. Dr. Wimmer has been temporarily assigned to the Anatomic Institute of the University of Strassburg by the Luftwaffe Sanitary Training Department VII, and is, therefore, in a position to assist SS Hauptsturmfuehrer Professor Hirt in a series of experiments.

"It would be important that through the aid of the Schutzstaffel this posting to the Anatomic Institute of Strassburg be maintained. If you would intervene in this matter, SS Obersturmfuehrer Dr. Brandt would be very obliged to you.

"Enclosed I submit some essential personal data concerning Dr. Wimmer. Emil Hitler, " and the signature is illegible on this instrument. There is a pencilled note: "Berger has written that he cannot do this, and that he has therefore asked Grawitz to do it."

Here is a letter from Berger to the Reichsfuehrer SS in the matter, Document Number NO-197, which is offered as Prosecution Exhibit Number 262. This is dated 27 August 1942, addressed to the Reichsfuehrer SS. The subject is Dr. med. habil. Karl Wimmer, and is in reference to the previous letter.

"In consideration of the fact, that on the grounds of recently issued regulations concerning the release of physicians, SS Hauptsturmfuehrer Prof.

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A. Hirt cannot be given any assistance in obtaining the transfer of Dr. Wimmer to the Wehrmacht SS, the SS Medical Office had been requested, on the basis of the above mentioned letter, to intervene in this matter, so that his assignment by the Luftwaffe Medical Training Division VII continues to remain in force. Signature, G. Berger, SS Gruppenführer."

The next note on the subject is a file note of Sievers, obviously sent to Rudolf Brandt, Document Number NO-098. It will be offered as Prosecution Exhibit Number 263, dated 3 November 1942. The note has a filing stamp, at the top of the letter, "Personal Staff Reichsführer SS", and a shorthand notation, "file under Sievers". The subject here is "Research order SS Hauptsturmführer Professor Dr. August Hirt, Strassburg, at the Institute for Military Scientific Research of Ahnenerbe."

"The Reichsführer SS ordered in his letter of 13 July 1942 - Journal Number AR/48/7/42 - that SS Hauptsturmführer Professor Dr. Hirt carry out the research tasks assigned him, in conjunction with the concentration camp Natzweiler. It was determined at a conference, for which I drove, along with SS Hauptsturmführer Professor Dr. Hirt, to Natzweiler on the 31 August 1942, that the hypothesis were established at Natzweiler. I reported on this orally on 9 September 1942 and afterwards in writing on 11 September 1942 to SS Brigadeführer Glücks who agreed and promised his full support. In view of the urgency of these research tasks, I asked SS Hauptsturmführer Professor Dr. Hirt to again go to Natzweiler because until then no report on the beginning of the work had arrived. SS Hauptsturmführer Professor Dr. Hirt reported the following, among other things, concerning this conference which took place at Natzweiler on 19 October 1942: 'The conference was due to the fact that until now nothing besides the detachment of Oberscharführer Halbert had been accomplished. Nor had the installation of the laboratories been started to date. It has now been decided to start with the laboratories this week.

"It was further established that the protective camp Schirmeck would erect the sheds. Its Commander fortunately is ready, as he told us at once, to place the necessary people at our disposal free of charge; while Natzweiler,

would not have been in a position to do so due to the great inconvenient demands of the workers.

"1 We were furthermore informed that the prisoners who would later be used for experiments, would have to be paid for by us during the period that experiments were being made upon them.

"1 We are to request that the prisoners of the I-experiment receive full rations to enable the experiments to be carried out under the same conditions as the troops would be under in a possible emergency. We intend for the time being to take ten prisoners as subjects for experiments.

"1 Hauptsturmfuehrer Dr. Blanke said that he was refused the assistance of a second physician in supervising the experiments on patients, so that he probably would not have enough time to concern himself with the experiments.

"1 The X-Ray apparatus which I could procure here, has not yet been definitely allocated by Berlin. We must get it immediately, otherwise it may happen that we lose it.

"1 The installation of direct current causes difficulties. One however gets the impression that the building operators had not yet dealt with this problem at all. According to their opinion a transformer should be procured which is able to transform 220 volts alternating current into direct current. This is most likely quite improbable at this place.

"1 To equip the laboratory, I would ship the needed things (freezing microtome, incubators, etc.) from the stocks of the Anatomical Institute to Hatzweiler during the next week. They remain of course the property of the Anatomical Institute. The two prisoners trained in handling the microtome can then be put to work. According to Hauptsturmfuehrer Dr. Blanke, both should be proficient at it.

"On the basis of this report I have the impression that not too much interest in cooperative work exists at Hatzweiler. As such cooperation is ordered by the Reichsfuehrer SS and the SS-Dr. med. fuehrer Blumcke is willing, the whole thing is not understandable to me. I was very much surprised by the fact that the prisoners to be used for experiments should be paid for. If we use only

ten prisoners for one experiment, which might under certain circumstances last ten months, the costs for the prisoners alone would total approximately 1000 RM. When I think of our military research work conducted at the concentration camp Dachau, I must praise and call special attention to the generous and understanding way in which our work was furthered there and to the cooperation we were given. Payment of prisoners was never discussed. It seems as if at Hattenweiler they are trying to make as much money as possible on this matter. We are not conducting these experiments, as a matter of fact, for the sake of some fixed scientific idea but to be practical help to the armed forces and beyond them to the German people in a possible emergency. The budget of the Institute will be set, according to the order of the Reich Leader of the SS and as already discussed by me in detail with SS standartenführer Loerner, out of the funds of the Waffen SS.

"Under the supposition that the prisoners needed for experiments are in the prescribed condition as regards nourishment by this time, the experiments could start approximately on 10 November 1942.

"Special treatment in Dachau was never the subject of special instructions but was understood to be necessary and issued without further ado. On the occasion of his personal inspection of the experiments at Dachau, the Reichsführer SS appeared one day at Dachau to have a look at the experiments there, this is possible at Hattenweiler too. signature, Sievers. 1.. To SS-Obersturmbannführer Dr. R. Brandt to read in reference to our discussion of today and with the request of help in corded fashion in setting up the necessary conditions at Hattenweiler." And the initials, "GSI".

Mr. McManey said earlier in the presentation of his case in chief, details of this letter set forth clearly indicate Sievers was not the proper letter box as he will have us believe. To turn now to the next document, Document Number 80-93, which will be offered as Prosecution Exhibit Number 264. This is a letter from Sievers to Rudolf Brandt, dated 22 April, 1943.

"Subject: Dr. med. habil. Karl Wimmer, born 24 October 1910, Staff Physician of the Luftwaffe, commanded by Air Sea Physician 7, Munich, for service

with the Anatomical Institute of the Strasbourg University. Co-worker
at the Institute for Military Scientific Research of the Ahnenerbe Society,
Department 33 Hauptsturmführer, Dr. Hirt, Strasbourg. Re: Your letter
of 10.42 Diary No. AR/48/7/42, Our letter of 25.7.42. Dear Comrade Brandt:
Effective immediately, Dr. Zimmer has been transferred to the XI Air Corps,
and according to information given by the Air Gas Medical Department 7
was to report today to the Oberstabsarzt Dr. Jaeger, Berlin-Tempelhof,
Konrad von Richthofenstrasse 6/II. As Jaeger is going to be absent until
April Dr. Zimmer will have to wait for a decision until that date. The
transfer of Dr. Zimmer means discontinuance of the gas experiments at Hat-
müller and Strasbourg, as 1) replacement cannot be supplied due to the
necessary specialized knowledge, 2) the practical knowledge gained by Dr.
Zimmer through an extensive series of experiments, can only be used by
him, 3) on Dr. Zimmer's leaving 33 Hauptsturmführer Professor Dr. Hirt
will have to take over his lectures and as he, considering his state of
health, is already more than overworked, he can no longer go on with
research work. Interim report on experiment-results up to now will follow
next week to be submitted to the Reichsführer SS. The intensification
of experiments and research, as well as the continuation of the work at
all, as ordered by the Reich Führer SS on the basis of our discussion
of 7 April, is out of the question, if the small staff of co-workers at
the disposal of Professor Dr. Hirt, especially Dr. Zimmer, is withdrawn.
The problem to be solved demand constantly scientists with long years
of experience and specialized knowledge. Dr. Zimmer would now be employed
only as troop doctor, which is totally uneconomical considering his know-
ledge and abilities, as his services as troop doctor will never be of war-
deciding importance, while this may well be said of his scientific activity.
Obviously the Recruiting Office of the Waffen SS has, at that time, con-
tented itself with the information of the Reich Minister for aviation and
Supreme Commander of the German Luftwaffe, without concluding a definite
agreement. Request immediate steps for this to be remedied; the best
would be to order Dr. Zimmer to the

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Letter 13 at least until 31.13.42 and if necessary that the Reichswehr
should send in his place troop doctor to the Luftwaffe for the time
Dr. Minor is commended to the Luftwaffe. With best regards, signed
Hovors."

This letter decidedly indicates that the experiments were underway and the loss of Wimmer caused the discontinuance thereof.

Now, turn to Document number NO-194 which is offered as Prosecution Exhibit Number 265. It is a letter from Rudolf Brandt to the SS-Medical Office, regarding Dr. Wimmer, dated 27 May 1943.

"On 30 April 43 the SS-Central Office forwarded a letter of SS-Standartenfuhrer Sievers with the request to bring about the transfer of Dr. Wimmer to the Waffen-SS, in agreement with the competent Luftwaffen-Inspectorate.

"In addition I am forwarding another letter today of the 'Ahnenerbe' society dated 14.5.43. I shall emphasize again that it is the SS-Reichsfuehrer's explicit wish that the transfer be performed as soon as possible, as it would be doubtful otherwise, whether the further war-important experiments of Professor Dr. Hirt, which, due to his state of health, can no longer be carried out by him alone, and could be continued.

"I beg you to inform me without delay what has been done in the matter. By order, signed Brandt."

The next letter is a letter from Rudolf Brandt, Document NO-195, which will be Prosecution Exhibit 266, dated 9 June 1943, and is addressed to the "Personal Consultant (Referent) of the Reichsmarschall. Ministerial Councillor Dr. Goernert."

"Dear Party-Member Goernert, Referring to our telephone conversation of 3.6.1943, I request your support for a very quick re-transfer of stall surgeon Dr. med. habil. Karl Wimmer who was transferred to the XI Air Corps from the Luftwaffe Medical (Sanitation) Training Department VII at the Anatomical Institute of the University of Strasbourg despite the understanding that he was to remain.

"Dr. Wimmer was at the disposal of Professor Dr. Hirt for his war-important gas experiments. Further details on the experiments could be given to you by SS-Standartenfuhrer Sievers, Berlin-Dahlem, Puecklerstrasse 16.

"Steps are already being taken via the Medical Office to have Dr. Wimmer transferred to the Waffen-SS. I should appreciate your expediting

this matter through your support. Heil Hitler, Brandt."

The next document is Document NO-492-PS which will be offered as Prosecution Exhibit Number 267. The letter is dated 20 September 1944 from, obviously, the office of Rudolf Brandt of the Personal Staff of the Entomological Institute of the Waffen-SS, in care of SS-Obersturmfuehrer Schuettrumpf. Re: Temporary employment of two female assistants of Professor Dr. Hirt, Strasbourg.

"Dear Comrade Schuettrumpf: I herewith confirm the telegram which was sent to you today. Technical female assistants of Waischenfeld for the present sent again to Strasbourg to collect scientific material. Arrival at Cachau will be announced in due time. This is, however, not to be expected before 26 September 1944.

"As the evacuation of the Strasbourg office is not yet concluded for the time being and permanent working material will be packed and made ready for transportation, both helpers will be employed for the time being until 3.9.1944. Heil Hitler,..." and here we have handwritten initials..."SS-Obersturmfuehrer."

The next letter which is a part of this document NO-492-PS, is a letter from Sievers, a certificate, dated 3 November 1943.

"Department H,..." department Hirt..."Strasbourg, of the institute for Military Scientific Research, by order of the Reich Minister of the Interior, Reichsfuehrer-SS Heinrich Himmler and of the Reich Minister for Aviation Supreme Commander of the Luftwaffe, President of the Reich Council for Research, Herman Goering, is carrying out research tasks of military important, for the accomplishment of which health-damaging poisons have to be used.

"In the course of the researches the collaborators: Dr. Zimmer and Fri. Schmitt have now contracted injuries to their health which according to the opinion of an official doctor can only be removed through an increased supply of fat and milk. In order to prevent the loss of both assistants through further health disorders, persons which we cannot afford losing, a preventative treatment of the occurred injuries is absolutely necessary.

For this a special ration of butter and unskimmed milk is necessary without

cutting the rations of meat and food-stuffs which are due to them so far.

"In the interest of the defense of the country no indications can be made as to the nature of work which is to be carried out by the Institute for Military Scientific Research. Signed Sievers."

We turn now to Document NO-099 which is offered as Prosecution Exhibit Number 268. This is a report from "The Institute for Military Scientific Research, Department H of the Research and Instruction Society "Ahnenerbe", Strasbourg, Anatomical Institute.

"Proposed Treatment of Poisoning Caused by Lost (By Professor Dr. A. Hirt and Staff Surgeon of the Luftwaffe; Professor (Dozent) Dr. Zimmer, Strasbourg, 1944).

"General Observations: The effect of Lost as a poison gas is immediate and, by causing other pathological reactions within the cells and organs, it damages the entire efficiency of the individual cell as well as that of the organs. The organism stands the best chance of absorbing the damage caused by Lost, if there is a large vitamin reserve in the body. In administering the vitamin treatment after Lost damage has been inflicted, care must be taken that the medicaments are not administered indiscriminately. The vitamin combinations (A,B complex,C) taken orally or vitamin B₁ administered intravenously in glucose suspension have proved most effective. Both methods aim at raising the resistance of the reticulo-endothelial system, while simultaneously introducing therapeutic measures to protect the liver which can be further strengthened by food with a high carbohydrate and vitamin content. When definite damage to the organs (liver, cardiac muscles, kidneys) manifests itself, vitamin treatment has to be discontinued and injections of B₁ glucose substituted, as the excretion of the surplus quantity of vitamins results in a temporary additional overstimulation of the cells of the excretory organs. In addition the interconnection between the effect of sulfonamide and vitamin B complex should be noted. In the case of pulmonary complications (bronchial pneumonia, pulmonary abscess) which are treated with sulfonamides, the administration of yeast is definitely not indicated.

"The general treatment, as set forth, especially the administration of vitamin B1 glucose, has a salutary effect also on the healing of cutaneous necrosis. In average and serious cases the length of the healing process can be thereby be considerably decreased. Supporting measures to be taken are bandaging the affected limb in splints until the appearance of clean granulation or placing the patient in a suitable recumbent position as well as vigorous, systematic psychotherapy. The psychological influencing of the largely apathetic Lost patient constitutes an essential part of the treatment, due to the possibility of thereby influencing the parasympathetic system (circulation, circulatory system).

"Outline of Treatment: 1. All the directions given for the elimination of the lost poison are to be followed carefully. Only after elimination of the poison has resulted may Lost patients be treated and accommodated together in closed rooms. (Inhalation of Lost vapors.)

"2. Damp dressings with Rivanol (.1% - .05%) and Tripyflavin (.1%) have proved to be a successful treatment of the skin symptoms (reddening, swelling, blisters) of the first to fourth day. If necessary, ointment dressings (10% codliver oil-tannic ointment, boric acid ointment, etc.) may be applied. With the opening of the blisters, the exposed corium of the skin becomes extremely sensitive to the drying reflex. Introductory treatment; daily bathing with a potassium permanganate solution, constant damp dressings of Rivanol-Tripyflavin solution; later on ointment dressings (5% codliver oil-tannic ointment, boric acid ointment). With the development of cutaneous necrosis and increasing disinfection of the affected parts of the skin, the damp dressings are to be substituted -- if only for nursing reasons-- by ointment dressings after bathing with a potassium permanganate solution at body temperature which are to be changed daily. Usually after the 17th day, the necrotic spots on the skin can be done away with by drying them up or better still by brushing them off (under narcosis if necessary) with a potassium permanganate solution. In this way the local healing process is considerably shortened.

With the beginning of the knitting of the skin granulation stimulating ointment dressings (alternately codliver oil ointment, boric acid ointment, unguentine, etc. are sufficient. Jaxer's codliver ointment (only 2 hours painful) can provide a strong stimulus should granulation formation be slow and drag itself out.

3. General treatment of severe and serious lost damage begins with administering a vitamin mixture compounded as follows; Vitamin (in the form of Vogansol (Vogansol) increasing from 4 to 10 drops daily. Vitamin C (Centan-Cobin tablets) 2 tablets 3 times daily. Yeast powder 3 teaspoons daily. One should consider whether a vitamin compound of similar proportion if need be with the addition of glucose should be produced for the combat troops. Such a powder mixture would have to be administered in increasing quantities as well. In all cases of absorbed lost damage (liver damage indicated by increased secretion of urobilinogen, in the urine, later icteric skin coloring, cardiac muscle damage with tachycardia, kidney damage with albumen secretion in the urine) treatment with vitamin mixtures is to be discontinued and to be substituted by injections of vitamin B glucose. Injections are to be given slowly, since at the height of lost damage the veins of the arm incline to thrombosis. In the latter case glucose has to be administered orally and vitamin B 1 intramuscularly. There exists the possibility, in every case of considerable lost damage, of a sudden failure of circulation (frequently between the 17th and 18th day) indicated by a weak response to heart and circulatory stimulants. Heart stimulants (strychnine caffeine, Digitalis) and circulatory stimulants, (aspirin, glucose, caffeine, etc.), have therefore to be administered with care in serious cases. The therapeutic routine valid for all clinical treatment is particularly valid for cases of organic damage.

There is on their report on page 43 of your Honor's document book. It is document NO 055, by August Hirt, which will stand at this time as Prosecution Exhibit No. 269. I suggest that the Tribunal read this, however, I will not read it at this time but I do wish to call your

attention to the sentence on the top of page 44 in connection with Lost, where he states that "During the war I examined the effect of yellow-cross chemical warfare agent (Lost) on living tissue (not yet published)." And he outlines his various projects in this report and his various researches in fluorescent light and researches on normal functions of organs, liver, kidneys, etc.

The next document on page 47 of your Honor's document book No 012 will be offered as Prosecution Exhibit No. 270. It is a letter from Karl Brandt, The General Commissioner of the Fuehrer for Sanitation and Health, to Himmler. This is dated 8 March 1944 and reads:
"Reich Fuehrer: Enclosed please find the photostatic copy of an order of the Fuehrer which shall only be known to a very limited extent.

"Upon the instruction of the Reich Marshal may I also request you to make this known to only the absolutely essential and leading personalities in your sphere of activity.

"I myself would be grateful if you would induce those men on their part to get in touch with me (Tel. 120050 extension 183) so that, due to the urgency of the given order, I will be able to settle the matter with the greatest expediency. Heil Hitler! (Signed) Karl Brandt (Prof. Brandt). (handwritten marginal notation) For GA Reich Legal Gazette 'Ahnenerbe' Society."

Unfortunately, when we found this document we were unable to find the attached copy of the order of the Fuehrer but with the future documents I will introduce we will indicate to the Tribunal the nature of Fuehrer order.

The next letter is document NO 013, which is offered as Prosecution Exhibit No. 271. This is from Rudolf Brandt, dated 10 March 1944, addressed to Dr. Grawitz, Reichsarzt SS and Police SS Gruppenfuehrer.
"Enclosed I am sending you a copy of a Fuehrer Decree of 1 March 1944 for your perusal and action. The Reichsfuehrer SS requests you to get in touch on your own initiative with Professor Brandt (Tel 120050, extension 183) in regard to the urgency of the order given him by the

Fuhrer. Heil Hitler! (signature) R. Brandt."

The next letter, page 19 of your agent's document book, document No. WO-013b, which is offered as Prosecution Exhibit No. 272 is also dated 10 March 1944. It is a letter from Rudolf Brandt to Grovers in the same regard. He says: "Dear Comrade Grovers:

"I sent you in the enclosed copy of an order of the Fuhrer of 1 March 1944, with the request to take note and act in the matter. The Reichsfuhrer SS is requesting you to contact Professor Brandt (Telephone: 120050, ext. 183) on account of the urgency of the instructions given him by the Fuhrer. Heil Hitler."

The next is document WO-013c, which is offered at this time as Prosecution Exhibit No. 273. This is 10 March the same date as the other letter, addressed to Chief of the SS Leader and Office SS Obergruppen-Fuhrer Jostner: "Obergruppenfuhrer: Enclosed I am sending you a copy of a Fuhrer decree of 1 March 1944 with the request of personal and action. Heil Hitler! R. Brandt." Now, the summary to this letter, of 10 March 1944, to Rudolf Brandt in this connection. The next document is WO 014, Prosecution Exhibit No. 274, from the SS Gruppenfuhrer and Reichsrat, R. Brandt, addressed to Rudolf Brandt. "I am confirming the arrival today of your letter of 10 March 44, file No. 1230/44 top secret, sent, according to the receipt, on 14 March 44 with the Fuhrer's secret order attached, and I immediately got in touch with Professor Brandt."

We turn now to document No. WO-015, which contains the secret correspondence. Now, this document is introduced as Prosecution Exhibit No. 275; and with the micrographed copy before your Honors, the date at the top is 11 April 1946, which is obviously a typographical error which should be changed to April 11, 1944. This is addressed to Rudolf Brandt by Grovers. "According to instructions I contacted SS Brigadefuhrer, Prof. Dr. Brandt and reported to him on 31 March 1944 at Berlin about the research activities of the Imperial Fuhrer Prof. Dr. Kirt. On that occasion, I gave him the plans we had set out

by this time by Prof. Hirt for treatment against L-infections of which I enclose a copy so you can show it to the Reichsfuehrer-SS if necessary.

"Prof. Brandt explained to me that he would be in Strasbourg during the first week in April and would then discuss details with Prof. Hirt and get in touch with me again afterwards. I shall always keep you informed. Adolf Hitler". "Believers"

Now, we are beginning to see the light as to what this official decree contained. This decree is a decree which gave Karl Brandt the authority to carry out research in chemical warfare. Therefore, all these matters were of extreme interest to him and, as you see, Brandt stated in his letter that he would be in Strasbourg during the first week in April and he would then discuss the details with Professor Hirt in regard to experiments on human beings in Camp Datzweiler that were being carried out at that time.

The next is document No. NO-0 16-1, which is offered as Prosecution Exhibit No. 276. This is dated 2 June 1941 and is a letter from the Commissioner-General of the Fuehrer on Health and Medical Matters, Karl Brandt, addressed to the Reichsfuehrer SS, Berlin.

"Reichsfuehrer: Prisoners are employed, with best results, in several factories and in plants producing chemical warfare protection articles. I inspected the camps on several occasions and was, on the whole, favorably impressed by them.

"In this connection, however, I was often informed of the difficulties encountered when accommodating our prisoners. The accommodation and security measures involved, a double or triple, partly electrified fence, quite often cause far-reaching difficulties and occasionally great delays. Would it be possible to introduce, in this connection, some improvements? I would be grateful if this question could be examined by one of your reports. Adolf Hitler! Your (signature) Karl Brandt."

Here is Brandt and his interest as Plenipotentiary, so to speak, on the chemical warfare, examining the factories producing these chemical warfare production articles, suggesting in his official capacity to

the Reichsfuehrer that conditions be renovated in these various camps.

We turn now to document No. 100-016-B, which is offered as Prosecution Exhibit No. 277. This is dated June 19, 1944, from defendant Rudolf Brandt, addressed to Oswald Pohl of the DVHA. "Dear Georgruppenfuehrer: I would be grateful if you would let me know your opinion on the request of SS Gruppenfuehrer Prof. Dr. Brandt, before I inform the Reichsfuehrer SS of it. I enclose a copy of the letter of SS Gruppenfuehrer Prof. Dr. Brandt. (Signed) Rudolf Brandt."

THE PRESIDENT: The Tribunal will now recess until one-thirty o'clock.

..(A recess was taken until 1330 hours.)

CORRECTED COPY

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

MR. McHANEY: May it please the Tribunal, we will read Document No. 016 (c) in our presentation, which is on page 55 of the English Document Book, and we offer this Document as Prosecution's Exhibit No. 278. This is a letter from Oswald Pohl, Chief of the SS-Economic and Administrative Main Office to the defendant Rudolf Brandt. It is dated 22 June 1944, and it is in response to the letter written by the defendant Karl Brandt with respect to his inspection of certain factories which were manufacturing gas. The letter reads as follows:

"Dear Comrade Dr. Brandt:

"The Reichsfuehrer SS gave me for further action, your letter of June 9th 1944, concerning conditions of prisoners working in several K-factories."

I might say, parenthetically, K-factories mean gas factories.

"Accommodation of prisoners is exclusively the task of contractors, to whom the prisoners are allotted by us. On such occasions, definite obligations are placed upon contractors. Security reasons make their carrying out absolutely imperative.

"The day before yesterday, I asked the Reichsfuehrer SS, when I reported to him, whether I could allow some improvements in this connection. The Reichsfuehrer SS answered in the negative.

"I am ready, notwithstanding, to discuss with contractor concerned individual cases, if desirable.

"I would be very grateful if you would inform me about the places, where difficulties arise in prison.

"Sincerely,
"Oswald Pohl."

"(Signed) Pohl."

There is a note on the bottom as follows:



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"NB. Gruppenführer Dr. Brandt has not yet replied", on the "20 July 1944", with the signature "Pauler."

This letter, along with the other one from the defendant Karl Brandt indicates he had, at least, extensive influence and power with respect to

chemical warfare problems. And, this power undoubtedly arose out of further orders which he received in March 1944 concerning gas warfare.

We come on to Document No. 005, which will be Prosecution's Exhibit No. 279. This letter is to Heinrich Himmler, and it concerns a request for concentration camp inmates for experimental purposes in connection with the gas known as N-substance. The letter is dated 22 November 1944, and the originator of the letter has not been determined as the signature is illegible. The subject of the letter is: "Experiments with N-substance."

"Reference: Order of Reich-Leader SS of 15 May 1944.

"To: Reich-Leader: Dear Leader:

"The Chief of the Technical Office in the SS-Chief Administrative Office, SS-Gruppenfuehrer Schwab, has contacted me in September of this year with the request to furnish him with 2 doctors, who as medical experts were to witness experiments with N-substance, which he was carrying out at the time by order of the Fuehrer. This was above all a matter of the clarification of the question, if N-substance was to be considered for chemical warfare or otherwise.

"For this purpose I have furnished my leading pathologist, SS-Hauptsturmbuehrer University Teacher Dr. Gachs, as well as the doctor working on ancestral heritage —"

which means the Ahnenerbe Society.

"SS-Hauptsturmfuehrer, University Teacher Dr. Ploetner."

The Tribunal will recall, we have here Dr. Ploetner who was mentioned previously in connection with experiments at Dachau, more particularly with the blood coagulation experiments there. And, Dr. Ploetner was the head of Department in the Ahnenerbe Society. The letter continues:

"In accordance with these investigation experiments carried out on 25 September 1944, the necessity has now arisen to carry out several experiments on human beings for the final clarification of the physiological effect of N-substance on an through the human skin. Five prisoners are

necessary for the execution of these experiments. It is highly improbable that the experiment will cause any permanent damage.

"In accordance with your order of 15 May 1944, Reich-leader, I have obtained the opinion of SS-Gruppenfuehrer Professor Gebhardt, SS-Gruppenfuehrer Gluecks and SS-Oberfuehrer Panzinger. They read as follows:

"1) SS-Gruppenfuehrer Professor Dr. Gebhardt:

"I am certainly in agreement with the suggestion, and request that the directions for the supervision of the carrying out be issued directly by the Reich Doctor-SS and the Police!

"2) SS-Gruppenfuehrer Gluecks:

"I have received your letter of 7 November 1944 with regard to the procurement of five prisoners for the experiments which are to be carried out with N-substance.

"For this purpose I have had five prisoners who have been condemned to death in the Sachsenhausen concentration camp placed in readiness, on whom these experiments can be carried out.

"3) SS-Oberfuehrer Panzinger:

"From the point of view of the criminal police the experiments intended there are to be welcomed. Therefore no misgivings exist against the handing over of prisoners for inoculation.

"If political prisoners should be considered, the Chief of Office LV, SS-Gruppenfuehrer Mueller, would still have to be consulted, but he will certainly likewise grant permission."

The letter continues:

"I respectfully request the transmittal of the permission, so that the experiments can be initiated.

"Heil Hitler!

"(illegible signature)"

We see, however, from the letterhead which is the Reich Doctor SS and Police that this letter originated from the office of Doctor Grawitz. Now, of course, we have several defendants in the dock who were in the office of the Reich Doctor SS and Police; among those being the defendants

and Poppendick. This letter is quite interesting for several reasons, not the least, which is this order of 15 May 1944, which is mentioned here on page 56.

The writer of this letter says: "In accordance with your order, meaning Himmler's order of 15 May, 1944, 'I have obtained the opinion of SS-Gruppenfuehrer Prof. Gebhardt, SS-Gruppenfuehrer Gluecks, and SS-Oberfuehrer Panzinger.' Now, it seems that there will be little question but that this order in fact meant that medical experimentation on concentration camp inmates had to be cleared through these three individuals because in the letter itself they are asking permission from Heinrich Himmler to carry out these experiments.

The writer of the letter says. "In accordance with your letter of 15 May 1944 I have gotten the opinions of Gebhardt, Gluecks and Panzinger."

And who is Gebhardt? He is the defendant in the dock who was the chief surgeon in the office of the deceased Dr. Grawitz, who was Glueck's Gluecks was head of Amt D in the Economic and Administrative Office, Main Office of the SS, which had administrative control over concentration camps. Hence they had to go to him and advise him of medical experiments to be carried out on concentration camp inmates. Who is Panzinger? Panzinger was one of the chief officials in the criminal police; and he is being consulted in this instance because the suggestion is made that they will experiment on criminal prisoners. But it is interesting to note that SS-Oberfuehrer Panzinger says if the political prisoners should be considered, then you must go to another agency; you must go to Gruppenfuehrer Mueller, who was one of the distinguished gentlemen in the Gestapo. So we see in this one little document how these matters were handled and cleared before they were carried through.

The document also proves that contrary to using criminal prisoners exclusively, the letter itself shows that political prisoners can be used; but if you wanted them you had to go to Mueller.

This completes the presentation of documents on the Lost experiments for the moment. I would like to go back, however, and call the Court's attention again to the letter on page 52 of the English document book. That is Document No-015 and was introduced as Prosecution Exhibit 275. Then we submit

that this letter in and of itself brings home criminal information to the defendant Karl Brandt of the experiments which were carried out with lost gas on living human beings. You will recall that this Fuehrer order concerning chemical warfare, which was received by the defendant Karl Brandt, was forwarded in copy to Himmler's office, with the request that it be distributed to the necessary agencies in the SS; and it is interesting to note who got the order.

One of the first men to get it was the famous Dr. Grewitz. One of the other gentlemen to get it was the defendant Sievers, leader of the Ahnenerbe Society and its Institute for Military and Scientific Research, which had by 1944 a considerable background of experience in experimentation on living subjects. Who else got it? The Fuehrungshauptamt, headed by Hans Goeppner. Why did he get it? He got it for the reason that he was chief of the operational headquarters of the Waffen SS. In other words, it was his agency which directed the fighting troops of the SS in the field; and as such he, of course, was considerably interested in problem of chemical warfare.

So I think it is important to note to whom the Reichsfuehrer considered it important to distribute this Karl Brandt Fuehrer order. But, coming back to Sievers' letter, which is Prosecution Exhibit 275, he reports to Rudolf Brandt that he has been in touch with Karl Brandt and reported to him in the latter part of March, 1944, about the research activities of Prof. Hirt; and, of course, by this date a not inconsiderable number of living human beings had been experimented on and killed by this same Prof. Hirt and his associates in the concentration camps of Sachsenhausen and Natzweiler. Sievers gave Karl Brandt the plans worked out by this time by Prof. Hirt for treatment of lost infection; and Prof. Brandt, that is, Karl Brandt, explained that he would be in Strasbourg the first week in April and would then discuss the details with Prof. Hirt.

Of course, the Tribunal will recall that the University of Strasbourg was where Prof. Hirt was engaged or supposed to be engaged in the teaching

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of students, medical students; and it will be interesting to put the question to Karl Brandt, if and when he takes the stand in this case, as to whether he did in fact go to Strassbourg and if so what he had to say to Prof. Hirt.

It should also be remembered that the affidavit of the defendant Rudolf Brandt concerning experiments with mustard gas very explicitly and clearly states that experiments on human beings continued after the date when Karl Brandt received the Fuehrer order concerning chemical warfare. I therefore think the proof is clear that the defendant Karl Brandt bears indeed a major share of responsibility in the crimes which were perpetrated during the course of these experiments.

I would like at this time to have the witness Ferdinand Holl called to the stand.

THE PRESIDENT: The witness will appear on the witness Ferdinand Holl.

FERDINAND HOLL, a witness, took the stand and testified as follows:

JUDGE SEBRING: The witness will raise his right hand and take the oath, repeating after me:

I swear by God, the Almighty and Omnipotent, that I will speak the pure truth and will withhold and say nothing.

(The witness repeated the oath.)

JUDGE SEBRING: You may sit down.

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Witness, your name is Ferdinand Holl?

A. Yes.

Q. Your last name is spelled F-e-r-d-i-n-a-n-d?

A. Yes, that's correct.

Q. You were born on 21 December 1900 at Landsweiler-Roden, Kreis Odenweiller?

A. That is correct.

Q. You are a German citizen?

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A. I am a German citizen.

Q. And you are at present domiciled at 6 Wilhelmstrasse, in Landsweiler-Rodon?

A. Yes, 6 Wilhelmstrasse at Landsweiler-Rodon.

Q. What is your present occupation, Witness?

A. I am now a business manager.

Q. Did you say a business manager?

A. Yes.

Q. What business do you manage, Witness?

A. I am business manager in a cinema.

Q. Now, have you always lived in Germany, Witness?

A. Until my emigration in 1935.

Q. And to what place did you emigrate, Witness?

A. I emigrated to France.

Q. And did you emigrate to the Saar?

A. Yes.

Q. Why did you leave the Saar in 1935?

A. Because of political reasons.

Q. Was it in that year that the Saar was returned to Germany?

A. Yes, that is correct.

Q. How long did you stay in France?

A. Until the time I was arrested by the Gestapo at Bordeaux.

Q. And when was that, I mean, Witness?

A. That was on the 11th of October, 1940.

Q. Will you please tell the Tribunal why you were arrested by the Gestapo?

A. In 1935 I went to France as a political emigrant because I was an anti-Nazi. I worked in France as a metal worker until 1940. Then upon the occupation by German troops I was arrested at Bordeaux by the Gestapo. I was taken to Germany into the Buchenwald concentration camp.

Q. When did you arrive in Buchenwald?

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A. It must have been approximately in the middle of December, 1940.

Q. Were you a political or criminal prisoner in Buchenwald?

A. I was a political prisoner.

Q. Did you wear the red triangle?

A. I wore the red triangle.

Q. How long did you stay in Buchenwald?

A. I remained in Buchenwald until March, 1942.

Q. What happened to you then?

A. In 1942 a transport went to Natzweiler in order to construct that camp.

Q. What work did you perform in Natzweiler, Witness?

A. In Natzweiler I worked on stones from the stone pile for about two weeks. Then I went to the hospital. I was then a medical assistant.

Q. Now did you ever hear of the Ahnenerbe Institute or Ahnenerbe Station at the Natzweiler Concentration Camp?

A. This Ahnenerbe Station there was under my supervision.

Q. Well now what do you mean by "it was under your supervision"? Do you mean to say you were all nurses in that part of the hospital under the direction of the Ahnenerbe?

A. In October, 1942, Professor Dr. Hirt came into this camp and in the block which was the hospital, at that time it was divided into two parts.

One section was considered as Ahnenerbe and the other one was further treated as a hospital for the inmates. I had this whole block with the Ahnenerbe subordinate to me as the so-called Kapo or Capo of the Ahnenerbe.

Q. In other words, you were something in the nature of a chief nurse in the Ahnenerbe?

A. Yes.

Q. Now did you have any occasion while you were working as a nurse in the Ahnenerbe to witness any experiments carried out on living human beings?

A. Yes, I personally was present.

Q. Will you please explain to the Tribunal exactly what you saw and what happened?

A. In the middle of October when the Ahnenerbe had finished its preparations several inmates were selected by Professor Dr. Hirt who were still in good physical shape and who still were at least looking healthy, and they were brought into this room. There were two rooms all together, and in each room fifteen men were billeted. Then first of all these people were given SS food for approximately two weeks and then the experiments were begun. Then these people were taken to the pathological department and there the first experiments with liquid gas substance were made.

Q. When was this liquid gas experiment made, witness?

A. It was immediately after the Ahnenerbe had been completed.

Q. That would be in October or November, 1942, then?

A. Yes, that is correct.

Q. And how many persons were used in this first liquid gas experiment?

A. As I have already previously mentioned there were two rooms and in each room fifteen men were billeted. Therefore, there were thirty persons all together.

Q. Now, witness, were these persons concentration camp inmates?

A. Only.

Q. Do you know whether or not these concentration camp inmates volunteered to be experimented upon?

A. Professor Hirt before selecting these people gave them a lecture and told them that if some of them would volunteer he would speak with Himmler and see that these people would be released. However, in the camp it had become common knowledge that other experiments were being carried out in other camps, so that nobody volunteered. Then these people were just called up.

Q. Were political as well as criminal prisoners among the experimental subjects?

A. Without exception.

Q. And were nationalities other than -- were persons of nationalities other than Germans selected?

A. At that time there were Russians, Poles, Czechs and Germans in the camp.

Q. And were some of these other nationalities included among these experimental subjects?

A. Yes.

Q. Now, will you tell the Tribunal in your own words about this first experiment carried out with liquid gas, just what you saw happen, whether or not any of the experimental subjects died, whether they suffered any pain, etc?

A. In the first experiments, Professor Hirt and the German Luftwaffe Officer who was carrying out the experiments had the prisoners completely undressed and they came into the laboratory one after the other and then I had to hold their arms and they received ten centimeters above the lower arm and there was one drop of the fluid put upon that part of the arm. Then the

people who had been treated in such a way had to go into an adjoining room. They had to stand there for one hour with their arms sprayed. After approximately ten hours or it may have perhaps been somewhat longer, then burns began to appear and from then on they were spread over the whole body. Wherever a drop of this gas touched the body there would be burns. Even some people became partially blind. They suffered terrible pains so that they were hardly able to bear them. It was almost impossible to stay in the vicinity of these people. Then the patients were photographed every day, that is all the places where burns appeared and approximately on the 5th or 6th we had our first casualty or fatality. At that time the fatalities were still sent to Strassbourg because our camp did not have any crematory. However, the corpse was again returned and it was dissected in the Ahnenerbe section. The most part of the lungs and other organs had been for the most part destroyed and then in the course of the following day an additional seven people died. This treatment lasted for approximately two months until they were somewhat more able to be moved and then these people were sent to another camp.

Q. And witness there were about eight deaths among the first thirty people experimented upon, is that right?

A. Yes, that is right.

Q. Did they perform autopsies on any of the people who had died?

A. Yes, I told you immediately.

Q. And you were able to observe as a result of the autopsy that the gas had infected and destroyed the lungs and other parts of the body?

A. I alone had admission to this Ahnenerbe.

Q. Will you repeat that, please? I did not understand it.

A. I alone had entry to this Ahnenerbe room.

Q. Now, witness, you have explained to the Tribunal how this first series of experiments was carried out on approximately thirty inmates of the camp. Was there a second series of experiments?

A. Yes, the experiments in the gas chamber.

Q. Were these experiments with liquid gas like the first ones?

A. Yes, they were liquid too. They were small ampules of from one to two cubic centimeters each handed to the patients who were to be taken to the gas chamber about 500 meters distant from the camp, and two people always entered this gas chamber at the same time. The gas chamber was of course locked and then one of the prisoners had to smash these ampules and thus they had to inhale this gas which was escaping, and then afterwards sometimes, of course, they were unconscious, and they were brought back to consciousness and returned to the Ahnenerbe Department and there the treatment continued and the progress of the disease was observed.

Q And what did you observe about the condition of these experimental subjects who were forced to inhale the fumes of this gas? What happened to them?

A The results were approximately the same as the results from the liquid gas. Sometimes I used oxygen in order to get the breathing organs back to work. Certain individuals suffered death through lack of air because we were not successful in reviving them, but there was the same measure of burns as in the first cases.

Q In other words, the lungs of these victims were also destroyed?

A Yes. I have seen these lungs, the lungs of these people who had been dissected. They were about the size of half an apple then. They were eaten away; full of pus.

Q Witness, can you tell the Tribunal approximately how many people died in this second series of experiments?

A While I was there, that is to say, until 1943, which meant about a year during which these experiments were carried out, approximately 150 people were treated in that manner.

Q Can you say approximately how many of those persons died as a result of the experiments?

A That is something which is difficult to ascertain. I can ascertain those who died in the camp, of course, but as soon as those patients were almost ready for transport, they went to Auschwitz or to Belson or to Dublin; to the various large camps. There I was able to ascertain later, quite by accident, what happened. A neighbor in my village was attending such an experiment. He was living when he tried one of these transports, but he died later.

Q Are you telling us, Witness, that those experimental subjects who survived those experiments were transported to other camps and exterminated?

A What they were doing with them in other camps, that is something I do not know.

Q Will you tell the Tribunal, approximately, how many persons you know died in Mauthausen, itself, out of this original figure of 150 who were experimented upon?

A During the first experiments, I mean the liquid experiments--there were four experiments--the average death toll was 7 to 8 people out of every 30. The gas experiments were similar. Later experiments were carried out by means of injections. The people were taken to the crematory right away. There was a special room attached to the crematory, a so-called sick room. After that, these people were never seen again.

Q Do you know what happened to them, Witness?

A You mean to those people who went to the crematory? They were immediately cremated when they were dead.

Q These people were those who had been given injections?

A Yes.

Q These injections were given by Dr. Hirt or under his supervision?

A Under his supervision.

Q Do you know the content of the material which was injected?

A That I do not know. No.

Q Witness, you have told us about liquid gas experiments, and about gas which was inhaled, and about these injections; were there any other types of experiments which you recall that were conducted under Dr. Hirt's supervision?

A Yes. Right at the end, during the last month I was there, people were given something to drink out of a cup. But during this action, I was relieved. I was transferred to another case. What the outcome was in that case is something I do not know.

Q You do not know what kind of liquid this was?

A No. That I do not know either.

Q You say you were transferred from Hatzweiler; when did that occur?

A That was before Christmas, 1933.

Q Why were you transferred, Witness?

A It was a punishment.

Q Punishment for what?

A Because I, as a medical orderly, had supported these patients too much.

Q Where were you transferred to in the last part of 1934?

A.- To Inneshelm near Rastatt.

Q.- Before we leave Natzweiler, I would like to make sure that the record is clear about these gas experiments you have told us about at Natzweiler. Is it correct that there were four series of experiments with liquid gas which were carried out on approximately 30 persons in each experiment?

A.- Yes. That is quite correct.

Q.- That would be a total of 120 persons approximately who were experimented on with liquid gas?

A.- Right.

Q.- And out of each of such series, you say around seven or eight people died?

A.- Yes.

Q.- And with the experiments with gas, in the gas chamber, there were about three series of experiments of 30 persons each? Is that right?

A.- Yes. That is also correct. Those rooms were always filled completely.

Q.- As I understand you, you stated that approximately the same number of people died in the gas experiments as died from the liquid experiments?

A.- Yes. It was approximately the same. At that time, one had so many dead in the camp that it was almost impossible to ascertain figures.

Q.- You have testified that the experiments began around November, 1942, and you left the camp to go to Inneshelm in about December, 1943. Is that right?

A.- Yes.

Q.- How far is Inneshelm from Natzweiler?

A.- That is approximately 70 to 80 kilometers.

Q.- Were those gas experiments still going on at the time you left Natzweiler in the latter part of 1943?

A.- The camp at Innesheim was under the camp of Natzweiler. I was a Medical orderly there. It was my duty to take patients who fell over at the main camp at Natzweiler. They were exchanged for healthy people there. Once every month I spent eight days in the main camp at Natzweiler. I had to hand these people over to the sick quarters, the sick quarters under the command

to which I came. I found on these occasions that these experiments were continued.

Q How long were they continued, do you know?

4. Until the evacuation of the camp, Katsweiler.

Q Approximately when did that occur?

4. Upon the approach of the American Armies in 1944, in the autumn. The camp was evacuated partly to Dachau and partly to Weiskirchen near Saarburg.

Q Witness, did you ever hear or see while you were in Natzweiler, that experiments were carried out on concentration camp inmates with typhus?

A Injections were carried out, yes, sir. I did not actually see it myself. I do not know whether it was spotted fever or typhoid. A little later on, after these injections had been inflicted, half of the inmates of Matsuwaier camp were sick. Typhoid and spotted fever patients were there. The gates were locked and no prisoner could enter or leave.

Q You mean to say there was an epidemic of typhoid and typhus in Streveller?

1 Yes.

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Q. And when was this?

A. That was as early as February, 1944.

Q. Now, how did you know that these typhus injections had been made?

Did you see those or did somebody tell you?

A. I have told you that spotted fever injections were made. No, I didn't say that. Correction. I only said that shortly after the injections, a spotted fever and typhoid epidemic broke out in the camp.

Q. Do you know whether, aside from the epidemic, any people died as a result of the injections?

A. Yes. As I have already told you right in the beginning they were immediately transferred to the crematory - to the sick room - and from there, after that, they weren't seen again. They were immediately cremated.

Q. Were these injections carried out under the auspices of the "Ahnenerbe" station?

A. Yes, these injections intravenous were carried out at the "Ahnenerbe" station.

Q. When were these injections made? Did you say that was in the early part of 1944?

A. No, the injections were given while I was still there.

Q. That was the latter part of 1943?

A. Yes, correct.

Q. So, these injections that you saw while you were there you think that these might have been typhus injections?

A. Yes, it is possible that they were.

Q. Were Luftwaffe doctors there? Did they observe these injections or give them?

A. Say that again please.

Q. I say

A. Yes, these were medical officers from the Luftwaffe who carried that out.

Q. Now, witness, were any of these experimental subjects released because

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of having undergone the experiments?

A. I beg your pardon. No, none of them were released.

Q. Witness, are you familiar with Action 14 F 13 or with Action F 13?

A. F 13?

Q. Are you familiar with that action?

A. Yes, F 13, indeed.

Q. Will you tell the Tribunal what that means.

A. F 13 was a code word. It was carried out through the camp doctors on such prisoners who were invalids or who could not produce any work. When the camp doctor in question made his rounds all you heard was "F 13". Either the man was liquidated by the doctor, or he went with a transport of invalids to another camp - say Auschwitz or some such camp, for instance.

Q. When did you first become familiar with this Action F 13?

A. F 13 was happening right from the beginning when I was in Netzeiler. That is to say, Obersturmfuehrer von Bodmann carried it out.

A. How do you spell that name, witness?

A. von Bodmann.

Q. Did this action continue up until the time you were released from the concentration camp?

A. That went on right to the end, Yes.

Q. And were non-German nationals also included in this action?

A. Every body.

Q. Did they have tuberculars - people suffering from tuberculosis in this action?

A. In the camp at Netzeiler there were approximately ten percent of the people suffering from tuberculosis.

Q. How long did you stay in this camp Ippesheim which was one of the smaller camps in the Netzeiler complex?

A. I was at Ippesheim from Christmas, 1943, until January 1945.

Q. And where did you go in January 1945?

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A. I went to Neckarols.

Q. And what did you do there? Why did you go there?

A. There, again, I was a medical orderly until the end. I was in charge of a transport of sick scheduled to go to Dachau but the American troops overtook us and at Osterburken on the 3rd of April were liberated.

Q. Now, witness, were there Luftwaffe doctors working in cooperation with Dr. Hirt throughout all these experiments at Watzweiler?

A. Yes, Dr. Hirt always arrived together with an officer of the Luftwaffe and then these experiments were carried out in the pathological department of the "Lohnwerke".

Q. Is the name "Lohnwerke" familiar to you?

A. No.

MR. McHANEY: I have no further questions at this time.

THE PRESIDENT: Does any of the counsel for the defendants desire to cross-examine this witness?

CROSS EXAMINATION

DR. WEISCHUBER (Counsel for Defendant Sievers): Witness, your profession is minor, yes?

A. Yes, minor.

Q. Did you become an invalid so that you could no longer follow that profession?

A. No, I have changed my profession.

Q. When?

A. In 1935, in Paris.

Q. Did you ever carry out any functions for the political party before you emigrated?

A. At that time I was a functionary of the status-quo.

Q. What was the "status-quo"? Will you explain to the Tribunal what the "status-quo" meant?

A. In 1935, the "status-quo" was the name for the plebiscite. It meant

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the condition which existed - which was meant to remain permanent in the Saar. That is to say, neither to France or to Germany with the Saar.

Q. It was therefore your view that it would be rightful for the Saar Territory neither to join France nor Germany?

A. At that time, yes.

Q. Did you not get in touch with any other political party about this conception or just one political party and collaborate with them?

A. No, it was a unity front.

Q. Did you not at any earlier stage base yourself on the grounds of any of the socialist parties?

A. What do you mean by that?

Q. Did you not, in connection with that program, find yourself based on the arguments of one of the socialist parties?

A. Do you mean a political party?

Q. Yes, a political socialist party.

A. Yes, I was a member of the KPD, the Communist Party of Germany.

Q. And your emigration - did that take place because you were interested in preserving the status quo or did it take place because it was your view that you, as a member of the KPD, might suffer an unfortunate or unpleasant fate if the Saar Territory were reoccupied by Germany?

A. Well, after all, the events told us that.

Q. So, therefore, it was the latter.

A. Yes, my detention in a concentration camp proved that, didn't it?

Q. Since when were you a member of the KPD?

A. Since 1918 when I became an official member of it.

Q. You have told us earlier on that you were a Capo in the sick quarter?

A. Yes.

Q. What were your tasks in that capacity in the Ravier sick quarter?

A. To take care of the patients.

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Q. Did you not have certain supervisory tasks in that connection?

A. Well, it depends how you look at it. It depends on whether you were working on behalf of the SS or the detainees.

Q. My question was, you know, did you have supervisory tasks as a *Kavir Capo*, and I should like to have a clear answer.

A. Then you should put your question more clear. Do you mean on behalf of the SS or the detainees?

Q. Witness, you are not entitled to put questions to me, you know. I am asking you again whether you, as a *Kavir Capo*, as sick quarters superintendent, had orders to supervise or to guard detainees?

A. Who was supposed to give me that order? Who gave me the order, do you think?

Q. Witness, I have already told you once before that these counter-questions are superfluous.

A. But look here, attorney, I can't give you an answer on uncertain questions.

DR. WEISGRUBER: Mr. President, I beg you to instruct the witness that it is his duty to answer my questions because in this manner cross examination is being made impossible.

THE PRESIDENT: The witness will answer questions propounded to him by Counsel as near as he can.

WITNESS: Yes, but I shall then have to be clear as to what the question was.

DR. WEISGRUBER: Who appointed you as *Kavir Capo*?

A. The detainees in the camp did that.

Q And did this happen without knowledge of the camp commandant or the department in charge?

A Do you mean the SS commandant or the detainees' commandant?

Q I do not understand your answer. Is that meant to be another counter question?

A No. There was an SS commandant and then there was a commandant appointed by the prisoners in the camp.

Q Well then, who appointed you as Revier Cape?

A The prisoner commandant.

Q And did this happen without the knowledge of the camp commandant?

A If you mean the SS commandant, they were agreeable. They agreed to whatever the prisoner commandant suggested to them because they themselves were not in a position, they were not capable of running a camp.

Q The way you are picturing this, the prisoner-commandant's office suggested you as Revier Cape.

A First of all as a medical orderly.

Q Then, of whom did this prisoner-commandant's office consist?

A At the time it consisted of political detainees.

Q Did the SS Commandant recognize them as such?

A Yes, they were recognized as the prisoner-commandant's office.

Q So that it was not only your task to look after the patients in the sick quarters but you were also carrying out certain supervisory tasks?

A We did not have any tasks of a supervisory character.

Q Well then, who was responsible if one of these detainees in the sick quarters escaped?

A None of the patients in the sick quarters could escape because they were so sick when they were transferred to the sick quarters they could not move any more. That way it was impossible to escape.

Q Witness, you had told us earlier that the experimental subjects

were first of all well looked after for 14 days. Were they looked after so well that they reached a condition where they were incapable of escaping?

A.- I have also mentioned at the same time that this block had been separated and was locked so that no one could get out, none of these people, these experimental subjects, could get out.

Q.- So that you want to say that an escape attempt would have been impossible right from the word go?

A.- Yes, in this Ahnenorbe department, escape was impossible.

Q.- Why was it impossible?

A.- Because all the way around, directly next to the Ahnenorbe Department, there was a watch tower. On top of that there was a guard who had a machine gun.

Q.- But then was it any different from other parts of the camp?

A.- Yes, it was the same in other parts of the camp except that this part was separately locked again.

Q.- You had told us earlier that you were present during certain experiments. You referred to a certain part of your activities, mainly that when you had to hold up the arms of the prisoners, when a certain liquid was applied to the arms of these prisoners?

A.- No, it had happened already. Afterwards the prisoners had to hold up their arms - they had to stand like this in front of me. (Witness demonstrating with arms outstretched.) I used to bring the prisoners into the room. Then the operation was carried out on them. Then they were brought back to the adjoining room and then they had to stand like this and hold their arms for about one hour.

Q.- Did your work during these experiments consist exclusively of your having to take prisoners into the room in which experiments were carried out?

A.- No, I had to look after them afterwards, I had to take care of them and ascertain the progress of the disease. I had to check it.

Q.- Did you, during the actual experiments, not give them a helping

hand?

A There was not anything of that nature to be done for them.

Q Did you not have to boil syringes?

A No, that was not my job.

Q Whether this was your work or not is not what I want to know from you. I want to know whether you did it.

A No, no, I did not do it.

Q Did you assist in the dressing of the wounds of the prisoners?

A Yes, that was my job.

Q Immediately subsequent to the so-called experiments, I take it?

A Yes, immediately after the experiments.

Q Did you consider this work as a normal medical experiment, or did it strike you that this was something different?

A We were not allowed to think in that camp.

Q Witness, that is the sort of an answer which you can and will save yourself in the future. I have asked you, did you consider these experiments normal medical experiments, or did you think that they were something non-permissible?

A Well, if Professor dirt congratulated the experimenting doctors of each individual case and said, "We can congratulate each other for having succeeded with our experiments," then you wouldn't have to think too long or too hard to figure out what they were for.

Q What do you mean by that?

A The war industry, of course. It was for that that those experiments were carried out.

Q So that you considered these experiments as being the permissible activity of a medical officer within the tenets of war industry?

A Well, permitted from Berlin. It was permitted within the Army Medical Department, where they were described as private experiments for war science.

Q And what was your own personal attitude towards these experiments?

A I was trying to save what could be saved.

Q.- Did you yourself consider these experiments as permissible, or not?

A.- They were not permitted as far as we were concerned, from our department.

Q.- They may did you remain, why did you continue to stay with these experiments for more than a year?

A.- Just in order to save people, save what I could save, just as I told you a minute ago.

Q.- From where does your knowledge originate that criminal and political detainees were detailed for experimental purposes?

A.- Each detainee had a marking and they differed according to color, red, green, purple, pink, black, and so on. Green was criminal; red was political; and black was anti-social. Only those criminal and political prisoners were allowed to carry such markings in the camp.

Q.- And both criminal as well as political prisoners were used for these experiments, I take it?

A.- Without exception, yes.

Q.- You have already earlier given the same reply -- "without exception." There is nothing much we can do with that.

A.- All right, I will explain it to you in detail.

Q.- Please do.

A.- In a block like Natzweiler, everything and everybody was mixed together -- political, anti-social and criminal prisoners were all together in one block. If people were needed for experiments the doctors would go into the block. The people had to undress and then, of course, nobody had any markings any more. Then the healthiest were selected and they were merely detailed to go to the Anatomical Department for experimental purposes.

I had to look after them, and having been in the camp as long as all that, I knew the individuals. I knew whether they were criminal, po-

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litical, or anti-social, and I therefore knew who was a criminal prisoners
and who was a political prisoner.

Q.- But then if these people came to you without markings I can't
imagine

on the strength of what you could recognize whether they were criminal or political prisoners.

A. Well I knew, for instance, that Miller was Miller and that Hoffman was Hoffman, and I knew that Miller was a criminal prisoner and that Hoffman was a political one.

Q. Did you know every inmate of the camp?

A. The majority of them I did, yes.

Q. And how did you know that?

A. Because I myself was there from the beginning at that camp.

Q. But you only worked in the sick quarters, didn't you? Did every one in camp pass through sick quarters?

A. Few detainees failed to pass through sick quarters through one disease or another.

Q. How many people went to the crematory within the framework of the injection experiments?

A. The injection experiments? These people, well, for instance today there were 6 that went to the crematory; then tomorrow there were 2 and they went to the crematory, and so it went on.

Q. So if I understand you correctly, the injections were carried out in the crematory itself?

A. No, they were carried on in the Ambulance Department and then for further treatment these people went to the crematory; there, as I have already told you, there was a so-called sick room, which had 2 beds, and there these people went for further checking of the disease.

Q. These people who went to the crematory, were they subject to your further assistance and treatment?

A. No, they were removed from my care.

Q. Well, then, how did you know anything about the future fate of these people?

A. The man who cremated these people, the crematory attendant, was also a prisoner himself, and he used to tell us each time when these people were

cremated.

Q. This crematory attendant, did he also look after the people?

A. No, he had nothing to do with the medical care of them.

Q. Did you also assist during dissections? During the dissections of these people did you assist in any way?

A. Yes, I assisted.

Q. What did you have to do?

A. Well, for instance, I used to bring individual parts of the bodies to the Pathological Institute, or I used to hand over knives or tweezers.

Q. How often did that happen?

A. Every corpse was dissected.

Q. Were you present during every dissection?

A. Yes, I was.

Q. Earlier you have been talking about typhus injections.

A. Yes, I was.

Q. Admittedly you stated that you were not aware in the case of the individual injections that they were typhus injections, is that true?

A. Yes, correct.

Q. But you know that during the early months of 1944 an epidemic was prevailing in the camp — typhus, or "Rhub" epidemic, or typhoid epidemic.

Q. Are you now drawing the conclusion on the strength of this epidemic that the injections carried out on the strength of certain experimental programs produced typhus or that they were typhus injections and that they were the cause of the epidemic?

A. Yes, because beginning with that moment that epidemic was apparent.

Q. Is there anything known to you how typhus is transmitted?

A. Yes.

Q. What do you know about it.

A. Typhus can be passed on, for instance, through dirt, through excrements, as was the case there.

Q. What was the color of the injection liquid?

A. I have told you that the injection was carried out by the individual doctors upstairs in the Anstehrer Department and that afterwards the patients went to the crematory.

Q But you were present during the injections; were you not?

A No, I was not present.

Q Did you not take the experimental subjects into the room?

A Yes.

Q But, you were not present during the actual injections?

A No.

THE PRESIDENT: It is now time for the Tribunal to recess.

(A RECESS WAS TAKEN.)

THE PRESIDENT: The Tribunal is again in session.

DR. WEISGERBER: May I proceed, Mr. President?

THE PRESIDENT: You may proceed with the cross examination.

CROSS EXAMINATION RESUMED

BY DR. WEISGERBER:

Q Did the officer of the air corps, when he was making the injections in the crematory, was this medical officer the same one who was present during the case experiments?

A I don't know what was in the crematorium.

Q You said before that the injections were carried out in the rooms of the Ahnerbe?

A Yes, in the Ahnerbe.

Q Well, in that case you would have to know whom it was that conducted these experiments?

A Yes, the medical officers of the Air Force.

Q Were they the very same officers?

A During the respective experiments the officers changed.

Q Do you merely wish to differentiate between Professor Hirt and the air force officer, which you have mentioned previously?

A I have said before Prof. Hirt was present during the experiments, but the experiments were conducted by the air force officers.

Q Up until now you have merely spoken of one Luftwaffe officer?

A I have said before the medical officer of the air force changed during the respective experiments.

Q.- Well, in that case there were many air force officers?

A.- Yes, there were many air force officers.

Q.- How long did it take until human subjects received the injections and were then brought into the crematorium?

A.- That differed. For instance, in the camp every inmate had a number. The crematorium was not large enough to accommodate currently all the dead from the entire camp and burn them there. The dead were then brought to the cellar room, attached to the crematorium and then they were burned subsequently, the number of the inmate was noted down. It often occurred that some dead were burned immediately and others stayed there for eight or ten days.

Q.- You did not quite understand my question. The experimental subjects, who received these injections were immediately after the injection transferred into the crematorium?

A.- Yes, there was a room there at the crematorium that was put at this disposal.

Q.- Well, how long did it take for these people to die?

A.- About five or six days. It may have been earlier. I have already said that the dead were all sent to the cellar.

Q.- We have already heard that. We don't have to discuss the period of time when they were burned. Were the experimental subjects, who were transferred to the crematorium, were they dissected?

A.- No, they were not dissected.

Q.- Did Ahnenerbe have anything to do with F-13?

A.- The Ahnenerbe had nothing to do with that.

Q.- You stated previously that toward the end of 1943 you were transferred; is that correct?

A.- Yes.

Q.- Were you transferred by the administration of the camp?

A.- Yes, the camp administration ordered that. I was sent to Dr.

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Schiedlausk, who was the camp physician and he was the one really who denounced me before it was a criminal as far as I know and then I was transferred to the camp at Iffesheim.

Q Why; what was his denunciation?

A He said that I was favoring the inmates too much.

Q And that was reported by the camp commander to the SS Commander?

A Yes, to the camp physician.

Q Then, subsequently you repeatedly accompanied transports from Iffesheim to Natzweiler and then again fetched them from Natzweiler; is that correct?

A Yes.

Q Who selected these inmates which you brought back to Natzweiler?

A They were always selected by the camp administration.

Q Who was that?

A That was the camp administration of the inmates, yes.

Q And now about the selection of the inmate subjects; those selected in Natzweiler, was that done by the camp administration?

A Yes, that was also done by the camp administration.

DR. EISGERBER: I have no further questions to put to the witness, Mr. President.

THE PRESIDENT: Any further cross examination of this witness of the part of any other defense counsels?

Has the Prosecution any redirect examination of this witness?

MR. McHANEY: No redirect, your Honor.

THE PRESIDENT: The witness is excused. You may stand aside.

(Witness excused)

MR. McHANEY: If the Tribunal please, we have one additional witness to testify with respect to the mustard gas experiments at Datsweiler. However it will not be expedient for us to call him until Monday morning which we shall do at that time.

I would like now to offer Document MD-881 which is on page 62 of your Honor's Document book, and I offer it. This is an affidavit taken from one, Rene-Colombin Wagner, and I offer it provisionally; that is to say, under the same conditions under which the affidavit of Rudolf Brandt was admitted this morning. The fact is that this affidavit was taken under an oath administered by Guy Favarger, who is a research analyst of the Office of Chief of Counsel for War Crimes, and therefore I take it that under the Court's ruling this morning this affidavit also can be offered provisionally and the certificate which we will obtain from General Taylor will cover, I hope, all persons attached to the Office of Chief of Counsel who are authorized by him to administer oaths and to aid in the production of evidence.

THE PRESIDENT: The affidavit will be received provisionally under the same conditions as that received this morning.

MR. McHANEY: And this will be Prosecution Exhibit 280. The affidavit reads as follows:

"I, the undersigned, Wagner, Rene-Colombin, being duly sworn, depose and state:

"1. I was born on 30 July 1899 in Corney (Haut-Rhin) France and I am a French citizen. I have attended the primary superior school in Strasbourg and Mulhouse. I am a scientific draftsman and have worked for various doctors.

"2. On May 1, 1941, I started to work for Professor Hirt as a scientific draftsman. Professor Hirt's chief was SS Standartenfuhrer Wolfram Sievers,

who was the general representative for scientific researches of the 'Ahnenerbe'. Sievers was often in Strasbourg and was well informed all about the above-mentioned questions. He received regular reports on all the work that was undertaken by Professor Hirt in the University of Strasbourg and by Hirt he was informed of the work of Professor Haagen. I have myself often seen Sievers in Strasbourg in Hirt's office where I worked.

"3. My direct collaborators were Meyer, Bong, Miss Elise Schmidt and Miss Bennemann. In the Franksy Fort, in back of the Ruprechtsau in Strasbourg, we have made some experiments on animals and I know that the results these experiments were to be used for other experiments on human beings in the Natzweiler Concentration Camp. I know the above-mentioned from conversations between the Doctors Hirt, Haagen, Zimmer, assistant of Hirt, and other doctors from the University and from phone calls that I have received myself from the Natzweiler Concentration Camp. I add that I had to sign a document, pledging myself to secrecy on all that I saw and heard, officially or not, in the University of Strasbourg. The breach of that promise would have meant death. This document, which I have undersigned, was signed by Hirt under Himmler's orders.

"4. During the time that I was employed by Professor Hirt, meaning until the end of the war, I have seen documents and photostats from which it is certain that Hirt, Haagen and Dickertorf have done some experiments on human beings. These photostats give the results of experiments made with poison gas and other similar substances.

"5. In August 1943, one morning between 7 and 7:30, I saw the unloading of women's bodies. I touched these bodies and ascertained that they were still warm. They all presented signs of nose bleeds and I deduced that they had very likely been asphyxiated or poisoned.

"6. In the summer of 1944 Bong and Meyer received an order from Hirt to dissect these bodies. I know about that because I have seen Bong and Meyer at work. I have also seen cases containing quarters of bodies that have been sent to the municipal crematorium of Strasbourg.

"7. After the departure of Hirt in November 1944, the former mechanic, Buhler, and myself have discovered in the furnace of the central heating system, a great number of documents, in which I could read that human beings were used as guinea pigs for experiments with gas (Lost).

"8. For Professor Haagen, I had to make a chart of about 2 x 1 meter on which were listed the various combat gases with their chemical formulas, and which gave indications on the dangers that men could encounter. I have deduced that experiments had been made on human beings.

"9. I add that Professor Hirt had threatened me with death in case I should open my mouth to speak about anything, especially at the time of the arrival of the bodies of which I spoke under No. 5.

"10. Miss Sennemann and Miss Schmidt were paid directly by the "Personlicher Stab Reichsfuehrer SS Verwaltung" in Berlin. Signed C.R. Wagner."

The Court will of course see that this affidavit deals not only with the Lost experiments undertaken by Hirt and Haagen and Timmer, but also with the atrocious skeleton collection about which the Prosecution has already presented considerable proof, and you will recall in that connection the names of Bong and Meyer, about whom the witness, Henri Pierre, testified here. Professor Haagen was also attached to the University of Strasbourg and it was through the good offices of Hirt, as we shall see later, that human experimental subjects were obtained for Haagen's typhus experiments at Natzweiler.

I would also like to point out that the affiant, Wagner, states that his direct collaborators were Meyer, Bong, Miss Elise Schmidt and Miss Sennemann. We shall have Miss Schmidt here to testify concerning the activities of Haagen at Strasbourg and Natzweiler. And this, with the exception of the witness to be called on Monday morning, completes the Prosecution's presentation with respect to the mustard gas experiments.

I would like at this time to turn to the typhus experiments, and if the Secretary General will pass up this document book, we can proceed. The typhus experiments are charged in Paragraph 6 (J) of the indictment as a war crime, and in Paragraph 11 as a crime against humanity. I think it might be well to

read Paragraph 6 (J) of the indictment to summarize briefly the facts which the Prosecution expects to prove.

"From about December 1941 to about February 1945 experiments were conducted at the Buchenwald and Natzweiler Concentration Camps for the benefit of the German Armed Forces to investigate the effectiveness of spotted fever and other vaccines. At Buchenwald numerous healthy inmates were deliberately infected with spotted fever virus in order to keep the virus alive; over 90% of the victims died as a result. Other healthy inmates were used to determine the effectiveness of different spotted fever vaccines and of various chemical substances. In the course of these experiments 75% of the selected number of inmates were vaccinated with one of the vaccines or nourished with one of the chemical substances and, after a period of three to four weeks, were infected with spotted fever germs. The remaining 25% were infected without any previous protection in order to compare the effectiveness of the vaccines and the chemical substances. As a result, hundreds of the persons experimented upon died. Experiments with yellow fever, smallpox, typhus, paratyphus A and B, cholera, and diphtheria were also conducted. Similar experiments with like results were conducted at Natzweiler Concentration Camp. The defendants Karl Brandt, Handloser, Rostock, Schroeder, Genaken, Gebhardt, Rudolf Brandt, Hrugowsky, Poppentick, Sievers, Rose, Becker-Freyseng, and Hoven are charged with special responsibility for and participation in these crimes."

The first document which I would like to submit is Document NO-429, and this is offered provisionally as Prosecution Exhibit 281, that is to say, under the same conditions which the affidavit of Rudolf Brandt was admitted this morning.

THE PRESIDENT: Counsel, in the document book before me this statement, while signed by Dr. Baldemar Hoven, does not purport to be sworn to by anyone or witnessed. Excuse me, I thought that was a translator's certificate, it is a verification by the US civilian. That is correct.

MR. McHANEY: Well, apparently -- there is, in fact, a jurat on it. It may be improperly titled as a certificate of translation, I don't know.

THE PRESIDENT: I knew there is a certificate of translation. I did not read the jurat, I did not read the title.

DR. GAWLIK: (Counsel for the defendant Hoven): I should like to ask that the affidavit of the defendant Dr. Hoven, the Document NO-429, be rejected for the following three reasons. Firstly, the affidavit was sworn to before a US civilian, de Vries. It has not been proved that Mr. de Vries has the capability to accept such a statement.

The second reason is as follows: The affidavit has not been made in the German language but in the English language. I should like to draw the attention of the Tribunal to page 6 of the English Document Book. Hoven is a German citizen. The defendant Dr. Hoven does not have the necessary knowledge of the English language in order to make such an affidavit in its full extent. The text of the affidavit was presented to the defendant Dr. Hoven in the English language. The discussion before that, however, took place in the German language. It would have been necessary that an interpreter should have been used who was placed under oath. This, however, was not done; and therefore this is a wrong procedure.

The third reason. It is a recognized principle of procedural rule of all states that a person has to be informed in advance when he is to make statements during the course of which he can incriminate himself. This is not only a principle of the German judicial system but also of the English and American law. With reference to the English judicial procedure, I beg

to refer to Section 18 of the Evidence Act of 1848. It is stated there expressly in what form such information has to follow. The wording is as follows — I am translating from the English text: "You are not obliged to say anything unless you wish to do so. However, whatever you may say will be noted down and can be used as evidential material against you in a judicial procedure." This law was binding in the high Military Tribunal I in the case of the witness Neff. The witness Neff before his examination was told about his right to refuse to testify. I beg you to refer to the protocol of the 17th of December on page 640 of the German text. The defendant Dr. Hoven, therefore, before this affidavit was taken, should have been told about his right to refuse to give such a statement. This, at that time, was not done, only after the indictment had been served the defendant Hoven was notified about this right of his. The affidavit, therefore, has been made under violation of procedural laws and principles and I therefore ask you not to admit it.

THE PRESIDENT: It is the ruling of the Tribunal at this time that the objections will be overruled and it will be admitted provisionally. There is nothing on the affidavit that indicates that the defendant was under any interrogation or was asked any questions. If the defendant Hoven did not understand the English language, or if he was interrogated and the matter was not explained to him, he may later when on the stand himself and attack the affidavit, and if it appears to the Tribunal that it was improperly taken it will be stricken from the record. The admission now is without prejudice to the defendant Hoven to attack the affidavit later.

DR. GARLIK: It didn't come through in the German, Your Honor.

THE PRESIDENT: I am sorry I spoke too fast. It is the ruling of the Tribunal that at this time the affidavit will be admitted subject to objections by the defendant Hoven which he may make at some later time. The affidavit does not show on its face that the defendant Hoven spoke in answer to any questions whatsoever. If he was interrogated without being warned, he can later state that on the witness stand on his own behalf. If he did not understand English and the affidavit was not translated to him, he may also

explain that, but at this time the affidavit will be admitted in evidence provisionally without prejudice to the right of the counsel for defendant Hoven to later attack its admissibility. Should it appear to the Tribunal that the affidavit should not be admitted into evidence, it will be stricken from the record.

MR. McHANEY: Document NO-429, then, has been conditionally admitted as Prosecution Exhibit 281. It reads as follows:

"I, Waldemar Hoven, being duly sworn, depose and state:

1. I was born in Freiburg in Breisgau on the 10th of February 1903. I attended high school but did not complete my education until many years later. Between the years 1919 and 1933 I visited Denmark, Sweden, United States, and France. In 1933 I returned to Freiburg and completed my high school course and then attended the Universities of Freiburg and Munich. In 1939 I concluded my medical studies and joined the Waffen SS as a physician. The last rank I held in the Waffen SS was Hauptsturmfuehrer. In 1934 I had joined the Allgemeine SS.

2. In October 1939 I was assigned as an assistant medical officer in the SS hospital in the Buchenwald Concentration Camp and held that position until 1941 when I was appointed the Medical Officer in charge of the SS troops stationed in the camp. At the end of 1941 I was transferred to the Camp Hospital and became the Assistant Medical Officer therein. This hospital was for the inmates of the Buchenwald Concentration Camp. In July 1942 I was elevated to the position of Chief Physician and thereby had the full responsibility for the inmate patients in the hospital. I held this position until September 1943 when I was arrested by the SS Police Court of Kassel and remained under arrest until the 15th of March 1945.

3. Due to my various positions in the Buchenwald Concentration Camp during this period of nearly four years I became acquainted with all phases of the medical activities therein and am hereby able to make the following statement:

Spotted Fever and Virus Experiments.

4. In the latter part of 1941 an experimental station was established in the Buchenwald Concentration Camp in order to determine the effectiveness

of various Spotted Fever vaccines. This department was called the "Spotted Fever Experimental Station" and was under the direct supervision of Dr. Ding, alias Schuler. This experimental station was set up in Block 46 of the camp. The Hygiene Institute of the Waffen SS in Berlin, under the command of Dr. Joachim Mrugowsky, received all the reports of these activities and Dr. Ding took orders from Mrugowsky. In the early days, that is, between 1941 and the summer of 1943, Dr. Ding had many meetings in Berlin with Dr. Karl Gensken concerning his work at Buchenwald in connection with the Spotted Fever experiments. Dr. Ding told me that Dr. Gensken had a special interest in these matters and that he sent him reports at various times. Dr. Ding also said that Dr. Karl Gensken was one of his superiors. From my association with Dr. Ding I understood that the chain of command in the supervision of the Spotted Fever Experimental Station was as follows: Reichsarzt SS Grawitz, Gensken, Mrugowsky, and Ding.

5. I can recollect that Dr. Gensken gave orders to Dr. Ding in January 1943 to enlarge the experimental station. At this time Block 50 was cleaned out and made into a station for the production of the various vaccines to be used in the experiments at Block 46. From this time on the experimental station was known as "Department for Spotted Fever and Virus Research of the Hygiene Institute of the Waffen SS". Then in the summer of 1943 Dr. Gensken turned all his duties over to Dr. Mrugowsky and from that time on Gensken no longer actively participated in these matters. I can recall meeting Dr. Mrugowsky in the home of Dr. Ding on one of his visits to Buchenwald."

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"6. Inasmuch as I was constantly associated with Dr. Ding at Buchenwald we became very friendly. I frequently discussed matters with Ding and visited his experimental station from time to time. As a matter of fact, Dr. Ding had to go to Berlin for discussions with Dr. Mrugowski and others, nearly 3 days out of every two weeks, and on such occasions I was in charge of the Spotted Fever Institute. However, when Ding went to Berlin the experiments were discontinued until he returned.

"7. The experiments at Block 46 in the Buchenwald Concentration Camp were conducted as follows: One group of victims were first vaccinated with the spotted fever vaccine and then infected with the spotted fever virus. In order to contrast the effectiveness of the vaccine another group of inmates were merely infected with the spotted fever virus without any previous vaccination. Between the autumn of 1942 and the summer of 1943 about 500 inmates of the Buchenwald Concentration Camp were used in these experiments. During my time about 10% of the total number of the inmates used died as a result. I heard that a larger number of the victims died after my time, that is about 20%.

"8. The selection of inmates to be used for the purposes of medical experiments in Block 46 by the "Institute for Spotted Fever and Virus Research was as follows: Whenever Dr. Ding needed human beings for his work a request was made to the office of the Camp Commandant and referred to me for action. Usually a man named Schober, and SS Hauptsturmfuehrer, notified me to select the necessary number of prisoners for these purposes. In accordance with this request I selected various inmates, at random, from the roster of the camp. They were placed on a list over my signature and

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returned to Schober who often removed certain names from the list for political reasons. In the event that particular prisoners were removed from the list I was requested to select substitutes in order to provide Dr. Ding with the desired number of victims. After I returned the completed list to Schober it was given to Dr. Ding for approval. He made a final check to ascertain, from a medical point of view, the physical condition of the selected inmates and to determine whether or not they met with his requirements.

"TRANSFER OF INMATES TO THE BERNBURG EUTHANASIA STATION FOR
EXTERMINATION."

"9. I became aware in 1941 that the so-called 'Euthanasia' program for the extermination of the mentally and physically deficient was being carried out in Germany. At that time the Camp Commander, Koch, called all the important SS officials of the camp together and informed them that he had received a secret order from Himmler to the effect that all mentally and physically deficient inmates of the camp should be killed. The camp commander stated the higher authorities from Berlin ordered that all Jewish inmates of the Buchenwald Concentration Camp should be included in this extermination program. In accordance with these orders 300 to 400 Jewish prisoners of different nationalities were sent to the 'Euthanasia Station' at Bernburg for extermination. A few days later I received a list of the names of these Jews who were exterminated at Bernburg from the camp commander and was ordered to issue falsified statements of death. I obeyed this order. This particular action was executed under the code name '14 f 13'. I visited Bernburg on one occasion to arrange for the cremation of two inmates who died in the Hornigerode Branch of the Buchenwald Concentration Camp.

"THE KILLING OF INMATES BY WEAPON AND OTHER MEANS."

"10. In the camp we had a great many prisoners who were jealous of the positions held by a certain few of the inmates, that is, some of political prisoners held key positions and were able to get better living conditions than the average. Hence, many of the prisoners envied these positions and made every effort to discredit the men who held the key positions. Such traitorous actions became known through the 'grapevine' to the men in the key positions and then such traitors were immediately killed. In each case I was later notified in order to make out the death statements of the prisoners killed. These statements did not indicate the actual cause of death, but were made out to indicate that the prisoner died of natural causes.

"11. In some instances I supervised the killing of these unworthy inmates by injections of phenol at the request of the inmates. These

killings took place in the camp hospital and I was assisted by several inmates. On one occasion Dr. Ding came to the hospital to witness such killings with phenol and said that I was not doing it correctly; therefore, he performed some of the injections himself. At that time three inmates were killed with phenol injections and they died within a minute.

"12. The total number of traitors killed was about 150, of whom 60 were killed by phenol injections, either by myself or under my supervision in the camp hospital, and the rest were killed by various means, such as beatings by the inmates. (Signed) Dr. Waldemar Hoven."

While we are now dealing in particular with the typhus experiments conducted at Buchenwald, the Court has seen that this affidavit also covers in part the Euthanasia program and we have just heard the witness Ferdinand Hott testify as to the action "f-13" and you will recall that the witness Walter Hoff also testified to the action "f-13", which were described in both instances as the invalid transports sent from the concentration camps to the extermination centers; and here again we find the defendant Hoven explaining to us the meaning of the code name "14-f-13".

It is our position, of course, that the actions known to Hoff and Ferdinand Hott as "f-13" were in effect the same as the action "14-f-13" and we have seen from all these sources that through this action, persons of all nationalities who were considered to be invalids and unfit for work were exterminated under the German Euthanasia Program. The other portion of the affidavit dealing with matters other than the typhus experiments, in Hoven's rather pathetic description of the part he personally played in the killing of some one hundred and fifty inmates who he has described as traitors to the good inmates of the concentration camp.

Part of the affidavit dealing with typhus experiments at Buchenwald gives us a thumb-nail picture of the beginning of this program and under whose jurisdiction it was carried out, that is, the immediate jurisdiction. We saw that it began in the latter part of 1941 in Block 46 of the Buchenwald Concentration Camp and that at that time it was directly under the supervision of Ding who in turn was subordinated to Krugowsky who was the chief of the

Hygiene Institute of the Waffen SS in Berlin, and that Mrugowsky in turn was subordinated to the defendant Gonsken who was chief of the Medical Service of the Waffen SS, part of which was the Hygiene Institute of the Waffen SS; and the Tribunal will recall during our presentation on the organization of the SS that in August of 1943 a shift in subordination took place and at that time Mrugowsky and the Hygiene Institute of the Waffen SS were transferred under Dr. Grawitz who was the Reichsarzt SS. However, from late 1941 until 1943 the chain of command as, as I described in the affidavit, first Gonsken, Mrugowsky and then Ding. Hoven tells us how the inmates were selected, who were selected first by him and then screened by Scheber and then passed on to Ding, and he very clearly states they were selected at random and, of course, were therefore not volunteers.

I pass now to document NO 423 which I offer conditionally as Prosecution Exhibit No. 282.

DR. FLEASING: Counsel Fleasing, for the defendant Mrugowsky. I object to the presentation of this document for two reasons. I should like to emphasize that my objection may have the same reservation about any future document as it was ruled by the High Tribunal with reference to the previous affidavit; I object firstly because this affidavit has the contents of an interrogation of the defendant Mrugowsky and at the same time of the defendant Gonsken and it is summarizing both these interrogations. I am of the opinion that such a common interrogation of two defendants has to be taken down on record and I think that it is not admissible to interrogate one of these two defendants and ask him to submit an affidavit about the result of those interrogations. In addition, the defendant Mrugowsky neither during this common interrogation with Gonsken nor before making the affidavit nor before signing that affidavit, was informed as to what extent he had the right to refuse making that testimony. Finally, this affidavit was sworn to in front of a civilian, so that the same statements apply to it that were made previously and repeatedly by the High Tribunal in other cases.

THE PRESIDENT: The objection will be overruled and the affidavit admitted provisionally, subject to the later attack on the part of the defendant's counsel and subject to the proper certification appearing of the person who purported to take the oath of the witness. The ruling of the Tribunal is without prejudice to the right of counsel later to renew his motion against the affidavit.

JUDGE SWERINGEN: Mr. McHaney, in Document 423, affidavit of defendant Mrugowsky, the certificate of translation refers to defendant Viktor Brack on Page 9 of my document book.

MR. McHANEY: It refers to what, your Honor?

JUDGE SWERINGEN: It refers to the affidavit by Viktor Brack; the certificate placed on this affidavit of Mrugowsky refers to the affidavit of Viktor Brack.

MR. McHANEY: You are correct, your Honor; and we shall also rectify that. Obviously there has been a mistake made there because even the date of the affidavit does not conform to the one which we were forced to translate, so we will check back and ascertain who did in fact translate this document and have the proper certificate substituted.

THE PRESIDENT: This affidavit will also be received subject to the correction on the part of the certificate for translation.

MR. McHANEY: This document is an affidavit taken from the defendant Mrugowsky; and it reads as follows:

"I, Joachim Ernst Albert Mrugowsky, being duly sworn, depose and state:

"1. I was born in Rathenow, Germany, on August 15, 1905; and from 1925 to 1931 studied medicine and natural science, especially biology, at the University of Halle. In 1931 I passed my state examination. From 1935 until the collapse of Germany I was in active service of medical officer of the Waffen SS. I rose gradually in the ranks of the Waffen SS and was promoted to Oberführer in 1943. In the Waffen SS I was chief of the Hygiene Institute of the Waffen SS and chief of the Office XVI "Hygiene" in the operational main office. On September 1, 1943, this

Institute was put immediately under the Reich Physician SS and Police Dr. Ernst Grawitz; and I became chief of office III on the staff of the Reich Physician SS and Police. I entered the NSDAP on March 1, 1930, and the SS on 15 October 1931. My party number is Number 210049 and my SS number is Number 25811. I received my doctor's degree for Hygiene and Bacteriology in 1937 at the University of Halle. In 1939 I became a lecturer for this field of science at the University in Berlin and was appointed professor of this university in 1944.

"2. By reason of my position as Chief Hygiene Officer of the Waffen SS and Chief of Amt XVI in the SS Operational Main Office and later of the Office III in the staff of the Reich physician SS and Police, I obtained full knowledge of the position and activities of Dr. Karl Gonsken and of the position and work of Dr. Edwin Ding, who was Chief of the Department for Spotted Fever and Virus Research at the Hygiene Institute of the Waffen SS at the Buchenwald Concentration Camp. Several times I received reports to which charts were attached from Dr. Ding indicating the results of the experiments carried out there; and I reported on these matters to Dr. Gonsken, an occasion which shall be described later. I visited the above-named department in the Buchenwald Concentration Camp several times. Supervision of the research and the manufacture of spotted fever vaccine carried out there was part of my scope of duties.

"3. Due to my position I gained complete knowledge of the official connection between Dr. Gonsken and Dr. Ding. Therefore, I am able to make this statement on that subject.

"4. Gonsken was my immediate superior from 1940 until September 1, 1943. At that time a reorganization of the SS Medical Service was carried out and I was placed directly under Dr. Grawitz, then Reich Physician SS and Police. In the beginning of 1942 Dr. Gonsken ordered the formation of the Department for Spotted Fever and Virus Research at the Hygiene Institute of the Waffen SS in the Buchenwald Concentration Camp and appointed Dr. Ding as Chief of this department. As I was at that time Chief of Amt XVI "Hygiene" in the SS Operational Main Office, I was

the immediate superior of Dr. Ding. The name of his department was chosen in order to make clear the similar purposes of this Institute for the Waffen SS and of the Institute for Spotted Fever and Virus Research of the OEH (Supreme Army Command) in Cracow under Dr. Major Syar.

"5. Dr. Gensken knew, as a matter of course, that the Institute was founded for the purpose of providing the Waffen SS with an efficient vaccine against spotted fever. In the Department for Spotted Fever and Virus Research at Buchenwald, medical experiments on inmates of the Buchenwald Concentration Camp were carried out by Dr. Ding in order to determine the effect of various spotted fever vaccines.

"6. In April 1943 I made an oral report to Dr. Gensken on the results of experiments carried out thus far. In this report I gave the necessary explanations and showed Dr. Gensken some charts which were sent to me by Dr. Ding's office and which indicated the fever and pulse curves, the dates of the vaccination and artificial infection, the death rates, complications which arose, etc. One of the experimental series shown in the charts was carried out on people who were only infected but not vaccinated in order to find out the potency of the vaccines used in other cases.

"7. I made a complete report to Dr. Gensken; and it is, therefore, absolutely impossible that Gensken as a doctor should have been ignorant of the fact that human beings were used for these experiments and research.

"Signed, Dr. Krugowsky."

Indeed, I think it can safely be said that the Institute at Buchenwald could have had no purpose other than the testing of vaccines prior to the time that Block 50 was set up early in 1943 because it was then at Block 50 that the vaccines were manufactured. Prior to that time the experiments were carried out on inmates with vaccines supplied from other sources so of course there was really no purpose nor function to this spotted fever and virus at Buchenwald prior to 1943 other than the testing on human beings of various vaccines. In other words, it was not a vaccine manufacturing institute; and this affidavit of the defendant Krugowsky makes it clear that the defendant Gensken was in the direct

chain of command and had full information concerning the criminal activities at Buchenwald, at least prior to September, 1943.

I come now to Document Number

THE PRESIDENT: We will consider no more documents this evening.

The Tribunal desires to announce that it has under consideration the matter suggested the other day by one of the defense counsel in connection with the taking of affidavits to be used as evidence in the case; and an announcement will be made by the Tribunal concerning the method to be followed in connection with such a matter, probably Monday morning.

The Tribunal will now recess until 9:30 o'clock Monday morning.

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CORRECTED COPY

Official transcript of the American Military Tribunal in the matter of the United States of America, against Karl Brandt, et al, defendants, sitting at Nurnberg, Germany, on 6 January 1947, 0930, Justice Beals, presiding.

THE MARSHAL: The Honorable Judges of Military Tribunal

1.

Military Tribunal 1 is now in session.

God save the United States of America and this Honorable Tribunal.

There will be order in the courtroom.

THE PRESIDENT: Mr. Marshal, ascertain that the defendants are all present in the court.

THE MARSHAL: May it please, your Honor, all defendants are present in the courtroom.

THE PRESIDENT: The Secretary-General will note for the record the fact that all the defendants are present in court.

This afternoon the Tribunal will recess probably at 3:30 o'clock in order to go into consultation to consider the matter suggested last week by several defense counsel in connection with the matter of procuring affidavits and depositions by the defendants. The Tribunal desires at that time that the prosecution be represented by one or two of its staff and that the defendants counsel be also represented. As that matter was first suggested by Dr. Servatius and second by Dr. Sauter, those gentlemen will be present at the conference. The defense counsel themselves will choose another representative so that three of defense counsel will be present at that conference.

The prosecution may proceed.

The conference will be held in the Judges' consultation room. At this time I would request the Marshal that

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There are available for that conference one interpreter who interprets from German into English and one interpreter to interpret from English into German.

MR. McHANEY: May it please the Tribunal, at the end of the session on Friday we were considering evidence with respect to the typhus experi-

ments carried out at the Buchenwald Concentration Camp. The prosecution wishes to call at the earliest available opportunity this morning the witness Henri-Jean Grandjean to testify with respect to the mustard gas experiments at Natzweiler. However, there will be an unavoidable delay because of the difficulty of arranging for French interpretation; however, I understand that that will be straightened out rather shortly and I hope that we will be able to present Monsieur Grandjean at some time, at least shortly after the morning recess. In the meantime, I should like to continue with the presentation of proof on the typhus experiments at Buchenwald and I now offer Document NO. 257 as prosecution Exhibit 293. This is on page 10 of the English document book.

DR. GAWLIK (For the defendant HOVEN): The Tribunal, The Document NO. 257, I ask that it not be admitted for the following reasons. I should like to call the attention of the Tribunal to page 12 of the English Document Book. Under the first signature, Dr. Schuler, it says, "This statement was written by me on three (3) pages on typewriter in Freising, Germany, on the 20 July 1945 at 1400 hours, voluntarily and without force." Then it goes on, "I swear by God, the Almighty, that I will withhold nothing, Dr. Erwin Schuler." Further, what follows, "First is the translation. Apparently only a written statement was given that he was taking the oath but aside from exceptional cases which are not the case here, an oath can be given orally and, furthermore, there is no indication that the oath was administered by a person who had the authority to administer such oath. Thus there is no real oath in this case. Furthermore, I should like to

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point out that the last notation sworn to on the 19th of December 1945 Ding was already dead.

MR. McHANEY: If the Tribunal please, this is another case where the translation department has omitted to include the certification which appears on the original document. It is unfortunate the document mitigates against the admissibility of this affidavit sworn to by Dr. Erwin Schuler. The Tribunal will see from the original which I have before me

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that it is signed Erwin Schuler on the bottom, on the back of the document is the translation — the translation department obviously didn't turn it over. There appears again the signature of Erwin Schuler and immediately underneath that is "Subscribed and sworn to before me at Freising, Germany, this 20th day of July 1945," signed George P. Swanick, Captain, Infantry, Investigating Officer. As I was saying, on the original a certification does appear by George P. Swanick, and it reads: "Subscribed and sworn to before me at Freising, Germany, this 20th day of July 1945." Signed, George P. Swanick, Captain, Infantry, Investigating Officer.

As has been pointed out by defense counsel, the certification which appears on the translation deals with the translation of this document. It was translated by one Harry Ilgen in the first instance. He was sworn by one Fred W. Hofstetter, Captain, Infantry, at Dachau, Germany. That deals with the translation. We must admit that the affidavit is in good order and should be admitted.

THE PROSECUTOR: Counsel will exhibit the original affidavit to defense counsel and then pass it to the Tribunal.

DR. GALLIX: If the Tribunal please, I have seen that the original contains a notation which is not included in the translation. Therefore, I withdraw this reason for my objection. My objection against the affidavit I will explain as follows: The person who made this affidavit is dead. (In 1945 he committed suicide. Everyone who makes an affidavit can be cross-examined by the opposing body, in the first place in order to supplement the affidavit and in the second place to check the credibility of the individual. Only on an affidavit in which the person concerned can be cross-examined is there full evidential value and can therefore be considered as admissible. This is not the case in the case of this affidavit and I therefore consider the submission of this affidavit inadmissible for this reason.

MR. McHANEY: If the Tribunal please, it occurs to me that the fact that the affiant is no longer available is a very strong reason why the Document should be admitted. I can assure the Tribunal that if he were living and available, he would be sitting in the dock before the Tribunal, but he is now dead and cannot be called here either for direct or cross-examination. The only evidence of his which we have left is contained in this affidavit, which we are now presenting to the Tribunal. I may also say that the position of the defense counsel seems to work both ways. When we have a living affiant and an objection is made to the admissibility of the Document, the witness can be called before the Tribunal. On the other hand, if the affiant is dead, we urge that the Document be made admissible because he cannot be called here. The Prosecution respectfully requests that this Document be admissible. I may add that the statements made herein by the deceased Dr. Ding are amply sustained and substantiated by a considerable amount of document evidence which will come before the Tribunal.

THE PRESIDENT: The objection of the defense counsel is overruled. What was the number of the exhibit?

MR. McHANEY: This is prosecution exhibit No. 283. It reads as follows:

Freising, 20 July 1945

"As ordered I answer two questions literally:

"1. Witness at an Euthanasia with Phenol at Buchenwald.

"At the end of 1942 I took part at a conference in the Military Doctors Academy in Berlin. The topic of discussion was the fatality of gasburn serum on wounded.

"Attendants: General Dr. Prof. Schreiber, Mil. Academy, Hygienist
SS Brig. Gen. Prof. Mrugowsky, Hygienist
A medical officer who was unknown to me who was a surgeon
Myself as section leader of the Central Institution in Berlin for fighting of epidemics.

"Killion and Mrugowsky gave reports of soldiers who had received Gase sedosorum in high quantities (up to 1500 cc) and hours afterwards, out of complete recuperation, died suddenly without any visible reason. Mrugowsky suspected that the Phenol content brought about the fatal result of the consolidation of the separate injections.

"In the presence of the other gentlemen, Mrugowsky commanded me to take part in a Euthanasia with phenol in a concentration camp and to describe the result in detail since neither I nor Mrugowsky ever saw a case of death through Phenol. Mrugowsky himself could not take part in the Euthanasia because of an urgent trip to the East, on the other hand the affair was important for the fighting troops and the publication of another circular for the troop doctors.

"Few days later I asked Dr. Hoven in Buchenwald to notify me when he would perform another Euthanasia with Phenol. The next evening he asked me to the hospital block in the prison building. Besides himself and another doctor - probably Dr. Plaza - only two other prison male nurses, whom I cannot remember, were present.

"I talked with the doctor about the composition of the Phenol injection and, as far as I can remember, it consisted of undiluted raw phenol, which was to be administered in 20cc quantities.

"One by one 4 or 5 prisoners were led in. The upper part of the body was naked so that the nationality patch could not be distinguished. The condition of the bodies was bad and the age was high. I do not remember a diagnosis as to why the Euthanasia should take place but probably did not ask for one either.

"They sat down on a chair quietly, that is, without emotion, near a light. A male nurse blocked the vein in the arm and Dr. Hoven injected the Phenol quickly. Still during the injection they died in a momentary total cramp without any sign of other pain. The time between the beginning of the injection and the fatal result I estimate at about 1/2 second. For security reasons, the rest of the dose was injected, although part of the injection would have been enough for the fatal result (I estimate 5 cc.).

"The dead were carried into an adjoining room by the nurses - the time of my presence and witness I estimate at 10 minutes. According to orders I reported to Berlin. I know nothing further to say.

"2. Hoven's share in Block 46.

"In February 1942 the order to conduct typhus experiments came through. I was chosen to carry out these experiments. Since I had my office in Berlin, a deputy had to be appointed for my absence in Buchenwald. For this post the Reichsarzt SS Dr. Grewitz in agreement with the leading doctor of the Concentration Camps Lolling named the SS 1st Lt. Dr. Hoven as station doctor at Buchenwald.

"My presence in Buchenwald lasting always only a few days while the time of the experiments and the length of the typhus epidemic lasted about ten weeks.

"Dr. Hoven had the order to get the prisoners (professional criminals sentenced to death), that have been released for the experiments from the Reich security office and the Chief of the Concentration Camps, ready for the vaccination or the infection after an examination of their physical fitness.

"As deputy, he often order Dr. Plaza to take over the guard of Block 46. Dr. Plaza in addition continued to work independently under Capo Dietzsch.

"For experiments that did not result in fatality, such as the compatibility of Yellow Fever Vaccine, 2-300 volunteers stood in readiness as I know from rosters that Dietzsch showed me once. Such experiments did not only take place in the block but also, in a certain case, in the camp itself.

For that experiment about 80 Dutchmen were taken, they did not have to work and they were given extra rations. For that they had to have their temperature taken three times daily and every two days had to give 10 cc blood for a blood count.

"Hoven worked as my deputy until my permanent entrance in Buchenwald in August 1943. In September he was arrested.

"In the year 1942 he had to work a lot by himself since I contracted typhus and after that was sent to a resthome. Right after that I had a detail to the Pasteur Institution in Paris. During this time the sick reports carried the signature of Hoven or Plaza."

(signed) Dr. Schuler

"This statement was written by me on three (3) pages on typewriter in Fraising, Germany, on 20 July 1945 at 1400 hours, voluntarily and without force.

"I swear by God, the Almighty, that I will say nothing but the pure truth, and will add and withhold nothing."

(signed) Dr. Edwin Schuler.

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The first part of this affidavit, of course, deals with the murder of a number of prisoners with phenol; and, of course, they made that very amazing and wonderful discovery — that you can kill a man with phenol in less than one second. It is interesting to note, however, that Doctor Ding tells us that this was carried out on the orders, and after a consultation between Professor Schreiber of the Military Medical Academy in Berlin, and the defendant Hragowsky. And, I will remind the Tribunal that Schreiber was one of the principal subordinates of the defendant Handloser. Handloser was, in fact, what you might call the Chief of the Military Medical Academy by virtue of his position as Chief of the Medical Inspectorate of the Army. And, so we see that one of his principal subordinates, that is, to say, Handloser's subordinates, is urging the execution of a number of people in an effort to determine the effect of this gas-burn serum on wounded people, which apparently was a matter of some interest to the Armed Forces.

The second part of the affidavit deals with the activities of the defendant Hoven in Block 46 at Buchenwald; and it was in Block 46 that the typhus experiments, themselves, were actually carried out. It was there that the vaccines were administered, and later artificial injections, through injections, or through the bites of lice, was also done, and we see that Hoven was Ding's principal subordinate, and was in charge of Block 46 when Ding was away on trips to Berlin or to the Pasteur Institute in Paris.

THE PRESIDENT: You refer to Doctor Ding, do you mean Ding or Schuler?

MR. McHANEY: I am sorry, your Honor, Ding is Doctor Schuler. The man's name was Ding up until, I think, sometime in 1944, whereupon he secured permission of the appropriate agency in the Reich government to change it to Schuler. It is a rather interesting story, but I think I will wait and have one of our witnesses tell the Tribunal when this was done.

Schuler also tells us that Hoven, in fact, selected or secured the prisoners who were experimented upon with typhus. And, of course, Hoven also administered the phenol injections which killed the five unfortunate people, and he has admitted as much in his own affidavit.

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I am advised at this time that the interpreters are prepared to interpret into French--

JUDGE SEBRING: The Tribunal has a question. Mr. McHoney, I seem to lose the significance of this affidavit. The first part of it deals with euthanasia with phenol at Buchenwald, and the defendant Krugowsky is named in the affidavit. Now, is it your view that this affidavit tends to show some culpability on the part of the defendant Krugowsky in relation to the Euthanasia program?

MR. McHONEY: I do not think that Krugowsky is indicted as being a participant in the Euthanasia Program as such.

JUDGE SEBRING: That is the reason I propounded the question.

MR. McHONEY: However, I take it that the affidavit does incriminate Krugowsky in murder, if nothing more. In other words, the way this was brought about, was, that Krugowsky and Schuler had a discussion about the effect of gas-burn serum on the wounded, and as a result of this, Krugowsky suspected that the phenol contents of the serum had something to do with the fatal results that they were experiencing; and, that was the reason Schuler was ordered to -- in fact, execute four people with phenol. And, that, as he states, was done. Now, while Krugowsky is not formally indicted under the Euthanasia Program, I take it he is probably indicted for participating in the murders and atrocities through medical experimentations, and I take it that this proof falls within the scope of the affidavit with respect to Krugowsky.

THE PRESIDENT: Is it your position Counsel that this affidavit conveys any information at all as to the nationality of these victims of phenol?

MR. McHONEY: If I understood the question, I do not think the affidavit does reveal the nationalities of the deceased victims. As he states, their nationality patches could not be observed because they were -- that portion of their bodies were naked. So, I take it that it probably could not and would not be assumed by the Tribunal that these people necessarily were non-German nationalities.

JUDGE SEBRING: Well, it is your view that this affidavit may tend to

establish culpability as against the defendant Krugowsky under the preliminary charges that are not particularized; mostly under Count 2 and Count 3, is that correct?

MR. McHANEY: Yes, indeed, the preliminary portion of paragraph 6, as I recall it.

JUDGE SEHRING: And, also 11.

MR. McHANEY: Yes indeed, 11.

I am advised at this time, the interpreters are prepared to interpret from French into English and from English into German; so, at this time, the Prosecution would like to have the witness Henri-Jean Grandjean called to the stand.

THE PRESIDENT: The Marshal will summon the Prosecution's witness Henri-Jean Grandjean.

Henri-Jean Grandjean, a witness, took the stand and testified as follows:

BY THE PRESIDENT:

Q. Hold up your right hand. You will repeat the oath after me:

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

Q. Now, I will administer the oath to the Interpreter. The interpreter will rise and raise her right hand, and repeat after me:

I, Margaret Abraham, do solemnly swear that I will perform my duty as interpreter to the Tribunal to the best of my ability and skill, so help me God.

(The interpreter repeated the oath.)

The Prosecution will proceed with the examination of this witness.

DIRECT EXAMINATION

BY MR. McHANEY:

Q. Your name is Henri-Jean Grandjean?

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A. Yes.

Q. You are born on 19 April 1906 in Paris?

A. Yes.

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Q. You are a French citizen?

A. Yes.

Q. Are you now residing at 13 Rue de Marivaux, Paris?

A. Yes.

Q. Witness, will you please tell the Tribunal what your present occupation is?

A. Administrator -- business manager.

Q. Are you an expert to some of the French courts?

A. Only for business matters.

Q. Now, witness, did there come a time in 1943 when you were arrested?

A. In November 1943.

Q. By whom were you arrested, witness?

A. The Security Police.

Q. The German Security Police?

A. Yes, the German Security Police.

Q. Why were you arrested, witness?

A. As an officer in the French Army -- as a fighting officer, I was arrested, as a French military.

Q. Were you an officer in the so-called FFC?

A. Yes.

Q. And, that was a resistance movement, I take it?

A. Yes; we had a special task in France.

Q. Now, what happened to you as a result of this arrest? Were you given a trial?

A. I was tortured by the Gestapo in Paris; later I was sent to Reims for two months.

DR. SERVATIUS: Mr. President, may I make a technical suggestion? The interpreter is translating incorrectly there, and is not repeating the words of the witness. Would it be possible for the witness to speak loud enough so we can understand him in French -- to be able to check the French. If the microphone could be moved over a little, the interpreter is speaking too low as

if she was carrying on a private conversation.

THE PRESIDENT: The witness will speak louder and into the microphone. The interpreter will also speak in a little louder tone.
BY MR. McHANEY:

Q. Witness, I had just asked whether or not you were tried by any court, because of your participation in the resistance movement?

A. I was arrested in 1943. I was arrested by the Security Police in Paris. I was subjected to a very severe interrogation for eight days. Later I was transferred to Rheims, but I was kept in custody for two months. I might add that I suffered very much because an attempt was made to make me betray my comrades. On the 2nd of January 1944, I was transferred to the Natzweiler Extermination Camp.

Q. Were you ever tried, witness, by a court?

A. No.

Q. And, you were sent to the Natzweiler Concentration Camp in January 1944?

A. On the 2nd or 4th of January 1944.

Q. What work did you perform in the Natzweiler Camp?

A. I did various kinds of work. I was a ground worker. I built walls for the V-1; and, in April I entered the infirmary as medical assistant.

Q. Well, were you ever tried, witness, by a court, or were you just....

A. No.

Q. And you were sent to the Natzweiler Concentration Camp in January 1944, is that correct.

A. On the 2d or 4th of January 1944.

Q. What work did you perform in the Natzweiler Camp?

A. I did various kinds of work, I was a ground worker, I built walls for the V-I, and in April I entered the infirmary as a medical assistant.

Q. You were a male nurse in the infirmary?

A. Yes, I was a male nurse.

Q. Were you able to observe whether or not any medical experiments were carried out at Natzweiler?

A. Sometimes.

Q. Do you know whether any experiments with mustard or lost gas were performed on concentration camp inmates at Natzweiler?

A. Yes, in this regard I was assigned to Block 5 to take temperatures and pulses of 5 persons who had been in a gas chamber and who had survived.

Q. Now were you able to talk to these 5 survivors about what had happened to them?

A. Yes, I was able to talk to one or two of them.

Q. And what did they tell you had happened to them?

A. One of the survivors was a gypsy and he told me that he had been taken with 15 of his comrades and put into a gas chamber for experiments at Struthof. The SS gave him capsules which they were to break when a sign was given from outside. After some time the door was opened and the 5 survivors were brought for observation to Block 5, Room 2. I was told to take their temperatures three times a day.

Q. How do you know what happened to the other 10 persons who were experimented on with gas?

A. They had died.

Q. How do you know that they died?

A. Their surviving comrades said that they had died. Some of them were

dissected by Dr. Bogarts from Brussels. The bodies showed pulmonary edemas.

Q. Did you know the man who dissected these bodies?

A. Yes, it was Dr. Bogarts who worked with me.

Q. Now as to these 5 survivors whom you saw and whose temperatures and pulse you took to whom did you make a report in the camp about their condition?

A. The Capo of the hospital.

Q. Is the name Dr. Haagen familiar to you?

A. Yes.

Q. Did he have any connection with these gas experiments to your knowledge?

A. He was interested in the development of the curves and temperatures.

Q. Do you know whether these temperature charts were given to Haagen?

A. Yes, certainly, because the Capo asked for them every time Dr. Haagen came to the camp.

Q. How many times did you see Dr. Haagen in Natzweiler?

A. Five or six times.

Q. And how did you know it was Dr. Haagen?

A. The Capo did orderly service and therefore he knew that this was Dr. Haagen.

Q. And he told you that this man that you saw was Haagen?

A. It was the hospital Capo who said that it was Dr. Haagen and I personally had no connection with Dr. Haagen.

Q. Did these inmates who underwent the gas experiment, suffer such pain?

A. They were completely exhausted.

Q. Well but in observing these survivors and in talking to them, did they tell you that they had suffered much physical pain?

A. I didn't see them immediately after they came out of the gas chamber, only somewhat later when they were already somewhat calmed down. They were completely exhausted.

Q. Witness, did you ever have occasion while you were in the infirmary to observe cases of typhus?

A. Yes, many.

Q. And what did you have to do with respect to these typhus cases?

A. The typhus block was a closed block which was visited by German doctors. We only drew up special charts — they were not medical charts but contained general information.

Q. What did these charts show?

A. They were drawn charts. We drew on them with india ink the temperature curve and the pulse of the patients.

Q. And these were typhus patients, is that right?

A. Yes.

Q. To whom were these temperature charts given?

A. The German doctors, Dr. Haagen, who was interested in these matters, and Dr. Hertz from Strasbourg.

Q. Now you said there was a typhus block.

A. Yes.

Q. Were you ever in the typhus?

A. Never in Hatzweiler because the block was closed; it was forbidden to enter it.

Q. Do you know from any source what they were doing in the typhus block?

A. Nothing in particular that we know of aside from special attention given to the charts of the patient.

Q. Was it an experimental block?

A. Perhaps experiments were carried out there because there were very many dead.

A. You do not know, do you, how these patients which you say came to have typhus?

A. These people came from the camp and from the various commands. The epidemic broke out suddenly in June or July.

Q. Do you remember that there was a typhus epidemic in the camp in June or July, 1942?

A. That is what I was talking about.

Q. And as far as you know, these typhus patients which you observed, could have caught typhus in the camp naturally, is that right?

A. Yes. They do not leave the camp. That was especially astonishing because we had all been vaccinated against typhus; at least, we had been told we had been.

MR. McHANEY: I have no further questions at this time.

PRESIDING JUDGE BEALS: Do defense counsel have any questions to ask this witness on cross-examination?

There being no questions propounded to the witness on cross-examination, the witness will be excused.

(Witness Excused)

MR. McHANEY: I shall now return to the typhus experiments in Buchenwald. I come to Document Number 578 which will be Prosecution Exhibit 284.

PRESIDING JUDGE BEALS: On what page?

MR. McHANEY: There is an insert on Page 13. The photostat is inserted in the front of the book. It is Exhibit 284. If the Tribunal please, this is a chart which shows the course of inoculations given to certain people. We see in the upper left-hand corner that a stamp of the "Hygiene Institute of the Waffen-SS" appears. It is followed by "Typhus and Virus Research Department. Telephone: Weimar 6311." That indicates that this document was one prepared by Typhus and Virus Institute at Buchenwald. The Tribunal will recall that it was a part of the Hygiene Institute of the Waffen-SS. You will also note the Weimar number. The Buchenwald Concentration Camp immediately adjoined the town of Weimar, as I understand

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it.

Consequently, we submit, that this document is, in fact, a chart showing that various vaccines were inoculated into some 15 persons over a period of three months, from November 8, 1943, until January 17, 1944. You see in the lower left-hand corner the signature of Dr. Ding, who, as we know, was the head of the Typhus and Virus Research Department of the Hygiene Institute of the Waffen-SS at the Buchenwald Concentration Camp. The chart shows that the inoculation of the vaccines was made over various periods of time. The inoculations were increased as they went along. We also get the temperature and pulse reaction of the individuals who were subjected to the inoculations.

We do not claim that this chart shows that any of these individuals were infected with typhus or with any other disease following these inoculations. As a matter of fact, I think the contrary is true as we will see from the Ding Diary. You will note these vaccinations were made with some preparation called "Fraenkel"; that appears in the upper left-hand corner of the chart, to the right, just under the date, November 22, 1943. We will be able to key in this name "Fraenkel" with the Ding Diary entries for the days corresponding to this.

It appears that they had obtained these preparations known as "Fraenkel" and they wished to test inviability of the human body to the vaccine. Consequently, they made this course of inoculations.

I come, now, to Document Number 571 which will be Prosecution Exhibit Number 285. This is a very interesting document because --

MR. FLEMING: Attorney Fleming for the Defendant Mrugowsky.

I ask that this document not be admitted in evidence. The document is not signed. It is not really a document. It is a draft. The Tribunal sees that the so-called work report on the last page is not signed. It is prepared for a signature. It was to be signed by Ding, apparently. On the first page of the document, a dateline is prepared, but not filled in. The contents of the report is such, that the document can only be considered a so-called secret matter or a military secret. The Tribunal

probably knows the regulations for submitting secret matters. They must bear a stamp, "Secret." The number of the secret diary must be included on all copies. Neither of these precautions was taken in the present case. This shows that this is only a draft. In the case of such a draft, one can never ascertain who drew it up. One never knows whether the person concerned had adequate knowledge for the preparation of the draft.

In the case of this draft in question, I call the attention of the Tribunal to Page 5. There a little below the middle of the page, there is an entry of the 25th of June to the 15th of August, 1943, ordered sick leave.

If the Tribunal from Exhibit 283, which was submitted now, were to compare the last paragraph they would find that Dr. Ding, whose sick leave is questioned, stated there that he had this sick leave in 1942. This inaccuracy, alone, shows that the draft, which is being submitted here, is absolutely unreliable. It neither bears a signature nor a date. I am convinced it cannot be admitted in evidence.

MR. McHANEY: If the Tribunal please, I would just like to observe that the objection is based on conjecture. It was just as reasonable to assume that the document is a duplicate copy; the original having been signed. As a matter of fact, if we are to indulge in supposition about the matter, I submit that that is perhaps is a more reasonable conclusion to draw because the original of the document, which I have before me, has a hand-written note up at the top which reads in translation, "To Mrugowsky."

As for there being no date on the document, the original clearly shows that there is a date, which was January, 1944, and there certainly is no blank for the inclusion of any date; that is the date of the day either before or after the word, "January." This document is a work report for a full year, 1934. It is not at all unusual that they did not put the date of the day on the document. Whether or not this is a draft copy or a final copy as submitted, seems to me to be beside the point.

The document is admissible for what it is worth.

If Counsel for the Defense wishes to attack the weight of the document or to show any inaccuracies from other documents, he is, of course, at liberty to do so. I am not sure I got the full import of the so-called inaccuracy to which he purported to draw the court's attention. If there is any inaccuracy, it slipped by me. I assume that Dr. Ding could have had a sick leave in 1943 as well as in 1942. So, we submit that the document is admissible. I would like to pass it to the Tribunal for their inspection.

PRESIDING JUDGE BEALS: The Tribunal will be glad to hear anything as the materiality of this document; just what does it purport to prove?

MR. McHAJNEY: The document, Your Honors, is a work report of the Department for Typhus and Virus Research of the Hygiene Institute of the Waffen-SS at Buchenwald for the year 1943. The document gives us a very detailed picture of exactly what they were doing in the Buchenwald Concentration Camp in the Typhus and Virus Research Institute for that year.

We learned how many people they experimented upon with typhus and how many were infected. I do not recall that this tells us the number of persons who died. We will pick that information up from a later document. It also shows the persons who made inspections of the Department for Typhus and Virus Research at Buchenwald on Page 17 of the English Document Book. We find out what visitors they had at the Institute who knew what was going on there. Consequently, I submit, it is a very important document for the Prosecution.

THE PRESIDENT: The objection to the admission of the document is overruled. The exhibit will be admitted.

MR. McHINNEY: This is Prosecution Exhibit 285. Up at the top we see the pencilled notation, "To Drugowsky, Hygiene Institute of the Waffen SS, Department for Spotted Fever and Virus Research Weimar-Buchenwald, January 1944. Work Report for the year 1943."

The first part of the report is headed "Department for Spotted Fever and Virus Research, Clinical Section," and then follow a number of entries giving the dates thereof and what took place on those days, and I would like to read a number of them.

On 1 December 1942 to 20 February 1943, the entry is made, "Experiment with spotted fever vaccines 'E4' of the Behring Works, carried out on 20 experimental persons; 10 January to 20 February, Experiment with spotted fever therapeutics 'Akridin' and 'Metylen-blue', carried out on 47 experimental persons; 10 January to 17 May, Tests with yellow fever vaccines, carried out on 435 experimental persons; 25 January to 28 April, Experiments with spotted fever vaccines 'Riga' and 'Zuerich' carried out on 40 experimental persons; 24 March to 20 April, Performance of a large-scale experiment according to the scheme of the Hygiene Institute of the Waffen SS, carried out by SS Standartenfuhrer Lecturer Dr. Drugowsky with small-pox, typhus, paratyphus and I may say parenthetically that that should read paratyphoid instead of paratyphus, "paratyphoid A and B, cholera, spotted fever and dyptheria, on 45 experimental persons." I might also reemphasize to the Court that when we come to the words 'spotted fever' which appear in some of these translations, that should not be construed to mean the disease which is known in our own country as Rocky Mountain Spotted Fever. We are here talking of classical typhus and

it could better be translated spotted fever typhus or just typhus alone. However, those words always appear in the original German document made available to the defendants as Fleckfieber, so there can be no misunderstanding on that score. I continue with reading of Prosecution Exhibit 285.

"31 March to 11 April, Experiment with spotted fever therapeutics 'Akridin Granulate' and 'Rutenol' carried out on 40 persons; 11 April to 24 May, Preliminary experiments with fresh blood infected with spotted fever for the purpose of investigating an infallible mode of infection, carried out on 41 persons; 11 April, not yet terminated, Infections with spotted fever, so far applied to 47 persons; 24 April to 1 June, Experiment with spotted fever therapeutics 'Akridin-Granulate' and 'Rutenol' carried out on 40 experimental persons; 28 May to 9 September, Experiment with spotted fever vaccine 'Laid' 'Laid-adsoriat' and 'Laid-1' carried out on 70 persons; 10 June to 8 August, Experiment with typhus therapeutics 'Othramin' carried out on 40 experimental persons; 8 November, not yet terminated, Gangrene - high immunization experiment, carried out on 15 experimental persons; 19 November, not yet terminated, Experiments with burns by means of phosphorus-casoutchouc incendiary bombs, carried out on 5 persons"... The Tribunal will recall that one of the paragraphs in the indictment deals with incendiary bomb experiments and this little entry of 19 November 1943 is the first bit of evidence we have had on that charge in the indictment.

"21 November, not yet terminated, Control of blood conservation; 23 December to 31 December, Special experiment carried out on 4 persons." We shall see from the Ding diary and also from the testimony of the witness that this special experiment was one of the poison experiments charged in the indictment.

THE PRESIDENT: At this time the Tribunal will recess for 15 minutes.

(Recess was taken.)

DR. FRITZ (Counsel for the defendant Rose): Mr. President, my client drew my attention to the following: This morning the witness Grandjean was examined. He was continually asked by the Prosecution about typhus, or Fleckfieber which is translated to typhus in English. The interpreter always translated that word to the witness as typhoid fever which is a completely different disease. During the entire examination of this witness, both witness and Prosecution were speaking about two entirely different matters. I myself am not sufficiently educated in medicine and my client has asked me to ask the High Tribunal so that he may be able to explain the difference. This, however, would necessitate another examination of the witness in order to clarify this difference, and I should like to ask you the following: The witness towards the end testified that "we were surprised that the people..." in English...could get typhoid fever..."meaning in German Typhus ..."although all of us were inoculated against." Fleckfieber which in English is typhus, however, could not be inoculated against since there weren't enough typhus vaccine available.

THE PRESIDENT: I would ask the Prosecution if the witness is still available?

MR. McHANEY: I think it may be possible to recall the witness, Your Honor. He is trying to get away to Paris, I think, on the train this afternoon. I am not sure he is still in the courthouse.

THE PRESIDENT: Will you ascertain if the procurement of the witness is possible?

MR. McHANEY: Yes, indeed. I think it will take five or ten minutes for us to make a search of the courthouse to see if he is still here. In the meantime, I suggest that I continue with the presentation.

THE PRESIDENT: If the witness is not in the courthouse, will you take immediate steps to find where he is and procure his attendance here as soon as possible?

MR. McHANEY: Yes, indeed, Your Honor, we certainly shall.

THE PRESIDENT: You may proceed meanwhile.

MR. McHANEY: Before the recess, I was reading document NO-571 which is Prosecution Exhibit 285. I had finished reading the first part of the exhibit which dealt with the department for spotted fever and virus research, the so-called clinical section. The second part of this work report is entitled the "Department for Spotted Fever and Virus Research, production of vaccines." And on 10 August, we find the following entry: "Termination of the exterior alteration works on the prisoners' barrack 50 in Buchenwald Concentration Camp."

"16 August. Opening of the 'Department for Spotted Fever and Virus Research.' Transfer of the Head of the Department, SS-Sturabannfuhrer Dr. Ding to Buchenwald. Beginning of the preliminary work for production.

"20 September. First infection of 3 guinea pigs with spotted fever infected blood, strain Bu I. Up to the end of the year 8 successful infections from this strain and positive adaptation of the strain to mice (with only two infections due to lack of these experimental animals), as well as to the lungs of rabbits through mice with the brains of guinea pigs as starting material.

"24 September. Isolation of the strain Bu II on 3 guinea pigs with spotted fever infected blood. After successful adaptation at the end of the year 8th infection. Performance of 4 infections of mice. Great quantities of standard type rickettsia. Furthermore successful adaptation of the strain Bu II to the lungs of rabbits through mice.

"9 October. Due to lack of mice experiment to adapt the mixed strains Bu I and Bu II directly from infected brains of guinea pigs to the lungs of rabbits. At the end of the year this strain is contained fully virulent in the 6th infection of rabbits. Since the 5th infection particularly great quantities of rickettsia on the lungs of rabbits. The results of the direct adaptation experiments are being checked by pathogenic and skin virulence tests.

"12 October. Reported to the Hygiene Institute of the Waffen-SS that the experiments for the breeding of rickettsia strains on the lungs of rabbits were successful and production was only handicapped by the lack of the refrigerator and of the Calabajas meat-triturator model.

22 October. Isolation and transfer to guinea pigs of the strain Bu IV of subjects infected with spotted fever after strain Bu III had died during the first infection. In this case the lack of mice was once more especially noticeable.

"First Half November. Outbreak of an epidemic among 375 recently supplied mice to which 289 animals succumbed within a few days, as the remaining mice were not healthy either, they were killed.

"11 November. Vaccination of rabbits with infected lungs of mice.

Later on performance of two more infections of rabbits. experiments are a complete success, large quantities of rickettsia with well-developed bacilli-shaped elements on the lungs of the rabbits.

"30 November. Successful direct adaptation of the strain Bu IV from the brains of infected guinea pigs to the lungs of rabbits. After performance of another infection of rabbits, mixing of the strain with the strains Bu I and Bu II. All infections continue to be successfully carried out.

"4 December. experiment, by making use of the night frosts and by using the handshake technique without refrigerator and without Calabecius, to produce the first sample of vaccine. For this purpose lungs of rabbits of the 5th or 6th infection series of the mixed strain Bu I and Bu II, which are rich in rickettsia, were used.

"14 December. Centrifugation of the suspension produced on 4 December.

"15 December. Starting of the refrigerator which had arrived in the meantime. Result of the examination of the sediment of the vaccine produced on 4 December: after 2 hours of centrifugation great quantities of rickettsia (vacilli-shaped, point-shaped, dumb-bell shaped). The sterility control proved the suspension free from bacteria.

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17 December Four guinea pigs were given intraperitoneal injections of 1 cubic cm. of vaccine each in order to check whether the vaccines produced on 4 December agreed with them. The guinea pigs did not show any alterations of veracity nor of temperature and were still alive at the end of the year.

24 December Vaccination of a series of ten guinea pigs with each our own vaccine and Giroud vaccine in order to infect them later on with spotted fever-infected blood.

29 December The reactions for skin virulence according to Giroud show a virulence of the suspension at a dilution of 1:2,000 to 1:4,000.

For the performance of the breeding experiments fifty-six mice, one hundred thirty four guinea pigs and one hundred twelve rabbits were used up to the present date.

In the serological department 1226 proteus OX 19 agglutinations, 3 Greber-widal tests and 4 Takata-ara-reactions were performed for the SS Infirmary and Buchenwald Concentration Camp and its branch camps.

For our own requirements up to this date about 1500 cubic cm. of typhus-paratyphus B deposits have been produced in order to reduce the power of resistance of the experimental animals."

The witness, Henri Jean Grandjean, is now waiting outside. I think it might add to the continuity if I completed this document, and we will then call him to the stand.

The part which I have just read from Prosecution Exhibit 285, of course deals with the production of typhus vaccines which was carried on in stations known as Block 50 of the Buchenwald Concentration Camp, and I might say that the guinea pigs which they make reference to here are, in fact, real guinea pigs because these animals, rabbits and guinea pigs, and so forth, are necessary in the production of typhus vaccines.

The important part of the document for our own purpose is that dealing with the so-called clinical section where the infection experiments were carried out. That which was noted as the "Clinical" was, in fact,

Block 46 of the Buchenwald Concentration Camp.

We come now to Part III of this document which is entitled "Inspections of the Department for Spotted Fever and Virus Research", and I think that this part of the document is particularly important because it shows who was coming to the Typhus and Virus Research Institute, Buchenwald, and who was interested in it, and the first entry on 8 February 1943 shows the inspection of the Clinical Section by Oberstabsarzt Dr. Eyer of the Institute for Spotted Fever and Virus Research of the OKH Krakow and by Oberstabsarzt Dr. Schmitt of the Medical Inspectorate of the Army. I ask the Tribunal to note that they were not visiting the so-called Production Section where they were manufacturing the vaccines in Block 50. They visited the Clinical Section where they were carrying on the murderous infection experiments with typhus; and who made these visits? Dr. Eyer: the Tribunal will recall that in the chart of the organization of the Chief of the Medical Service of the Wehrmacht drawn by the Defendant Handloser, he showed very prominently that this Institute for Spotted Fever and Virus Research of the OKH at Krakow was under his control, that is to say, it fell within the jurisdiction of his office. The Institute, as he also showed on his chart, was directly controlled by this same Dr. Eyer who was paying a visit to Dr. Ding (Schuler) to observe the infection experiments at Buchenwald.

And who always came there? Dr. Schmitt of the Medical Inspectorate of the Army. And who was the Chief of the Medical Inspectorate of the Army on 8 February 1943? He sits in the Defendants' dock and his name is Handloser. He also observed the operations of the typhus infection experiments in Block 46 at Buchenwald.

On the 24th of August, 1943, we find: "Inspection of the department by the Director of the Central Building Section of the Waffen-SS and Police, SS-Obersturmfuehrer Huehnfeld, and discussion of necessary improvements." On the 26th of August: "Inspection by the higher SS and Police leader in Kassel. SS-Obergruppenfuehrer and General of the Waffen-SS the Prince of Waldeck and Pyrmont, and by the Commandant of Buchenwald

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Concentration Camp. 3 September: Inspection by the head of the Hygiene Institute of the Waffen-SS, SS-Standartenfuehrer lecturer Dr. Mrugowsky."

Of course, it is not strange to find Mrugowsky there since his Institute which was being run directly by Ding was under his control by virtue of the fact that he was Chief of the Hygiene Institute of the Waffen-SS of which the Typhus and Virus Research Institute was a part.

"29 September Inspection by the Chief of Office D III in the SS Economic and Administrative Main Office (OVHA), SS-Obersturmbannfuehrer Dr. Lolling and Professor Dr. Schenk."

Part IV of the Exhibit is entitled: "Official Trips by the Head of the Department for Spotted Fever and Virus Research."

<p>"28 February to 5 March</p> <p>27 April to 1 May</p> <p>25 June to 15 August</p> <p>27 August</p> <p>4 September</p> <p>8 September</p> <p>16 September</p> <p>23 September</p> <p>29 September to 4 October</p> <p>13 October</p> <p>21 October</p> <p>25 October to 15 November</p>	<p>SS-Obersturmbannführer Dr. Ding ordered to Paris for the purchase of laboratory equipment for the Department for Spotted Fever and Virus Research, Weimar-Buchenwald, and for the Hygiene Institute of the Weissenhof-SS.</p> <p>Once more on detached service to Paris for the same purpose.</p> <p>Ordered sick leave at Sallin on Rugen.</p> <p>Conference with the Zeiss firm at Jena, with the Landesgewerbeamt and in the University library.</p> <p>Inspection in the village of "X" with the Head of the Hygiene Institute SS-Standartenführer lecturer Dr. Hrugowsky, with the Standartenrat of the Weissenhof-SS Weimar-Buchenwald and with the adjutant of the commandant of the Buchenwald Concentration Camp.</p> <p>Another inspection in the village of "X".</p> <p>Purchase of laboratory requisites at Jena, conference with the Zeiss firm concerning the alteration of two microscopes.</p> <p>Purchase of laboratory requisites at Erfurt.</p> <p>Conference in Berlin with the Head of the Hygiene Institute of the Weissenhof-SS, SS-Standartenführer lecturer Dr. Hrugowsky.</p> <p>Inspection at "Dora" and "Laura" with the commandant of the Buchenwald Concentration Camp.</p> <p>Inspection of the branch commands Leipzig, Wernigerode, Schoenebeck and "Dora" with the camp commandant.</p> <p>On detached service with the German Hygiene Institute for the Eastern Territories in Riga and subsequently conference with the Zeiss firm in Dresden at the instance of SS-Obergruppenführer and General of the Weissenhof-SS von Weyrach.</p>
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SS-Sturmabfuhrerst

And this document is obviously prepared for the signature of Ding.

One little point to note finally is that on these official trips of Ding when he was away from the Typhus and Virus Research Institute at Buchenwald, it was the Defendant Hoven who was in charge of the Institute in his absence, and thus is the position of the Prosecution that he also bears primary responsibility for the crimes which were there committed.

And I think we may now call the witness, Henri-Jean Grandjean, to the stand again.

THE PRESIDENT: The Marshal will summon the witness, Henri-Jean Grandjean.

MR. CHANEY: I ask it that his reappearance on the stand is for the sole purpose to clarify the translation question raised by Alfonso Counsel, and that no further direct or cross examination will be permitted.

THE PRESIDENT: The witness is reminded that he is still under oath.

THE WITNESS: Yes.

THE PRESIDENT: She is also reminded that she is still under oath.

THE INTERPRETER: Yes.

THE PRESIDENT: Does Counsel for the Prosecution desire to ask any questions in the first instance?

MR. McRENEY: No, Your Honor. The Tribunal plans to clarify this point with the witness.

THE PRESIDENT: Counsel for the Defense may examine the witness.

HENRI-JEAN GRANDJEAN, a witness, took the stand and testified further as follows:

RE-CROSS EXAMINATION

BY DR. FRITZ:

Q. Dr. Fritz, Counsel for the defendant Rose: Witness, during your examination this morning the Prosecutor asked you continually about Fleckfieber which is translated in the English with "typhus". The interpreter however, did not correctly designate this disease and translated it with "typhoid fever," which in German is called "abdominal typhus". During your entire examination the Prosecutor was speaking about Fleckfieber — English: "typhus" — and you, Witness, were always talking about typhoid fever.

MR. McRENEY: If the Tribunal please, I object to the form of the question. The question now before the Tribunal is whether or not the Prosecutor and the witness understood one another in the use of the word, "typhus", and I object to his stating the proposition in such a manner that it appears that I was talking about and thinking of typhus while the witness was talking about and thinking of typhoid. This is the problem which we are now trying to clarify, and I would appreciate it if the Defense Counsel would so state the problem so as to get an answer from this witness.

THE PRESIDENT: It is clear that Counsel for the Defense is endeavoring to clarify the testimony of this witness, but the question in form is rather objectionable. Cannot Counsel rephrase that question and ascertain in asking the witness what he intended to testify to, what particular form of fever.

Q I am now asking you witness, when giving your answer to the question of the Prosecutor, were you speaking about fleckfieber, that is, typhus, or were you speaking about abdominal typhus, which is, in English, typhoid fever?

A There seems to have been a misunderstanding here between the English and the German expression. However, there was no doubt in my mind. I was going to speak about fleckfieber — typhus. The question here was not typhoid, and I never thought about typhoid at all.

Q That is, you always spoke about fleckfieber — typhus?

A I should again like to emphasize that I was speaking about typhus exanthematicus because I was nursing 1200 patients who were infected with this disease, and I am quite convinced it was always a question of typhus and not typhoid.

Q It seems to me this misunderstanding is cleared up and I have no further questions.

THE PRESIDENT: Any further questions by any of the Counsel for the defense on this matter?

(Apparently none.)

Does the Prosecution have any further questions?

(Apparently none.)

The witness is excused.

MR. MCANNEY: I come now to Document No. 582 which is on page 21 of the English Document Book. This will be Prosecution's Exhibit No. 286. I am skipping for the moment Document No. 859 because, your Honor, the Document Book does not have the translation contained in the book. It is simply a certification which goes on the Document; therefore, I am going to No. 582 which will be Prosecution's Exhibit No. 286.

This is a letter from the defendant Mrugowsky to Schuler at the Department for Spotted Fever and Virus Research at Buchenwald. You see at the top the date, 17 November 1944, and the letterhead of the office in which the defendant Mrugowsky was active at that time, and which was: Reich Physician SS and Police, the Chief Hygienist, who Mrugowsky. The letter reads as follows:

"Dear Comrade Schuler:

"Enclosed I return your work on acridin with the notes of approval.

"The merger of the weeklies makes publication in its present form (11 pages without references and 1 curve) impossible for the "Medical Journal" because the editor accepts only articles of 8 normal type-written pages, e.g. 2 pages in print. There remains the alternative of shortening it or publishing it in another paper, for instance 'Archive for Hygiene' or 'Journal for Immunity Research'. I would deem the first alternative the better one.

"Best regards and

"Heil Hitler!

"Yours

"Mrugowsky"

And, we come to the attachment to this letter which is part of the same Document, and we see that it is the paper written by the deceased Ding or Schuler, concerning experiments he had made on the treatment of typhus with acridin derivatives. I call the Tribunal's attention to the stamp that is contained on this paper written by Ding. "From the Medical Service Officially. No objections." Meaning, I take it, that there was no objection to the publication of this paper. And the stamp, "The Reich Physician SS and Police, Berlin, 29 September 1944, by order of A. Poppendick, SS-Sturmabfuhrer." So, we see that the defendant Poppendick is offering his approval of the publication of this paper written by Ding. Poppendick, the Tribunal will recall, is head of the personnel staff and with Doctor Grawitz in the Reich Physician SS and Police; and, of course, in the same office with Mrugowsky.

JUDGE SEHRING: Do you maintain that A. Poppendick and H. Poppendick are the one and same person?

MR. MCHENEY: Yes, I am certain of that your Honor. I do not know if the translation in both are correct. I think it would be best if I passed the Document up for the Tribunal to inspect. It is not clear looking at it — this initial before the name Poppendick, it is not clear whether it is an H or an A. I take it, it could be translated either way. I think the explanation is, if the Tribunal please, that the initials IA means by order. You are looking at

the original, and I think you will find there are the initials IA rather than just A; so, really it means by the order of Poppendick.

I say, before reading portions of this paper written by Ding that it will not be apparent that is, the paper, that criminal experiments were being conducted, but we shall prove very shortly after I finish reading portions of the Document that they were, in fact, criminal experiments which resulted in the death of a number of the experimental persons. Of course, the paper would not include the fact that they had artificially infected the experimental subjects because it was going to be published in a medical journal, but I submit the fact it was submitted to the Office of the Reich Physician SS and Police, and more specifically, to Poppendick to get their approval indicates those gentlemen were in a position to know what actually took place during the course of those experiments. The paper reads in part as follows:

"On Treatment of Typhus with Acridin Derivates by Dr. Medicine Erwin Ding, SS-Sturmabfuhrer Waffen-SS.

"Publication of HOELER's and ZIJITSCHEN's 'A very successful, strictly causal-pathogenetic therapy of Typhus' (1) induces us to make a report about therapeutic experiments which we made with the same drugs Rutenol and Nitro-acridin 3582 on 30 persons, as long as half a year before the two authors did.

"FUSSGAEMER and WESER (2) had used these two drugs for the treatment of mice, which were infected with murine typhus. 70% of the animals thus treated survived in contrast to an optimum of 6% of the untreated controls. The result of these experiments was so encouraging that we considered ourselves justified in starting clinical tests of the two acridin derivates on human beings afflicted with typhus.

"From April to May 1943, 39 persons, whose spotted fever disease had been ascertained serologically and clinically, came to the clinical station attached to the 'Department for Spotted Fever and Virus Research' of the 'Hygienic Institute of the Waffen SS for treatment.

With regard to the central nervous system, circulation and exanthema, decidedly grave symptoms of the disease were observed during the course of this epidemic. Accordingly there was also a lethal exitus in over fifty percent of the cases.

"Thanks to strictly observed quarantine, the day of infection could be ascertained in a series of cases of the disease. This is particularly important for the determination of the time of incubation as we stressed elsewhere and the start of a specific treatment. In these cases it was possible to administer the drugs at a very early stage, a fact which permitted a more complete judgment."

Of course, Ding is saying here that they were able to experiment on thirty-nine persons who had, so far as appears from this paper, naturally contracted typhus. Note the date, April to May, 1943, because it will be important in a few moments. He says that they were able to determine the date of infection and consequently they could make a good experiment on these people.

The report continues: "At the time in question, 1943, the therapy of our patients covered hydro-therapeutic measures, heart circulation support, as well as soothing of grave deliria. Pyrazidon and Methylone Blue didn't prove particularly effective to us."

"In the meantime we developed a heart circulation therapy for our patients which we used with good success although lethal cases occurred also occasionally in spite of all medicinal and nursing measures."

Then follows some material about the clinical observations what they did, which I shall omit reading, and continue on the middle of Page 24 of the English Document Book.

"It is quite clear to us that elsewhere and sometimes other experiences which differ strongly from ours can be made with this therapy. The symptoms of spotted fever are so manifold and dependent upon so many facts that it is unnecessary to add anything to the critical remarks of Brugowsky, Lohrke, and Aschenbrenner."

"According to the instructions of the firm Bayer at Hoechst, Rutenol was administered in the form of a granulate, of which a heaped teaspoonful roughly corresponds to a single dose of four grams. The treatment included a normal series of six to ten single doses at intervals of six hours. In the case of Nitro Acridin, sugar coated, it was one to two tablets three times a day, possibly from the start of the disease. Patients whose infection could be regarded as rather certain were given Rutenol, respectively Acridin already during the incubation time. If the patient could take it even only to some degree, we continued the treatment beyond ten doses.

"Modalities and results of the therapy can be seen from the following charts."

Now, there is a certificate of translation at the bottom of that page which does not belong there. That is not the end of the document. The same certificate appears later on at the end of the document. I will ask the Tribunal just to disregard this. The chart on Page 25 gives a chart where they administered the drug Rutenol by the mouth and gives this table showing the age of the experimental subject, the incubation period, the fever days, the course of the disease, the result of it--that is to say, whether he recovered or whether he died--the complications, time of treatment, the daily quantity of medicaments in grams, and the tolerableness of the subject to the drug.

The next page, 26, gives a chart summary of the results of treating the typhus patients by Rutenol. You will note that they treated fifteen of the thirty-nine with Rutenol through the mouth; and the reports say "complications were bronchial pneumonia, nephritis, intestinal bleeding, and subcutaneous phlegmons below the larynx.

"Eight of the fifteen patients vomited after Rutenol up to seven times a day.

Mortality was extraordinarily high, with 53.3 per cent. No connection

showed between tolerableness and death rate. Four patients responded well to Rutenol and regained their health; three responded and died. No complications appeared in any of these cases. Eight patients vomited after Rutenol; three of them regained their health; the five others died.

"The absolute quantity of the prescriptions administered varied between four and twenty-four grams; hence the prescribed minimum quantity of six single doses of four grams each was in no case undercut. In most cases total dosing was considerably higher. The maximum was reached with 24, 14, 4, 24, 14, 8 and 17, 6 grams in the cases 1, 2, 3, 4, and 7, where Rutenol was already used as a prophylactic during the incubation time (two of these patients regained their health; two died), as well as in Case Number 10, who stood the drug, after it was reduced to one to two grams a day in spite of vomiting and nausea, and recovered from his spotted fever of medium severity."

I read this to show the extent to which these patients suffered, not only from the disease itself but from the drugs which they were administering to them. We can see from this the complications of bronchial pneumonia, nephritis, intestinal bleeding, and subcutaneous phlegmons below the larynx.

On the next page, that is, Page 27, you see the fifteen so-called typhus patients who were given the drug Acridin, 3582, by mouth; and on Page 28 we have a short account of their complications. "The complications were keratitis, nephritis, in one case gangrene of the shank, furunculosis, bronchitis, and decubital sores.

"The tolerance was by far less favorable than with Rutenol. Thirteen patients vomited after taking it (up to seven times a day).

"Again mortality was very high with 53.3 per cent. Among the dead were also the only two patients who stood the prescription well. Of those who vomited after its administration, seven recovered their health while six died. Also in this respect no elucidating conclusions whatever may be drawn.

"The prescribed absolute quantities of the drug amounted to between

2.5 grams and 17.25 grams. In five cases it was already administered as a prophylactic during the incubation time."

At the bottom of the page we find that they had nine so-called typhus patients who were not administered either of these drugs. They were the so-called control group. They were the poor unfortunates who were given Typhus and nothing to help them combat the disease. So we find that fifteen were given the drug Eutenol; fifteen, Acridin; and nine were given nothing whatsoever.

On the next page, 29, we see the reaction which they observed on the control group: "With the persons not treated specifically with Acridin derivatives," vomiting over three days occurred in one case. This is proof also for this epidemic that there are cases of cerebral vomiting which are not to be traced back to treatment with drugs. Still, the extraordinary frequency of vomiting of persons treated with Acridin and Eutenol seems to us not to be cerebrally guided but stomachally.

"Mortality among the third group of spotted fever patients, who, during the same epidemic, remained without Eutenol or Nitro-acridin treatment, was, as can be seen from the table, only two per cent higher; that is to say, fifty-six per cent. Considering the small number of persons under observation, reference in percentage was only used on account of the better possibility of comparison—we are well aware of the modica error. The complications—bronchitis and decubital sores—must not be held responsible for the lethal exitus of the cases. Death occurred either due to acute weakness of the heart or as a result of gradual failure of the circulation.

"To obtain a comparison between the effects of the two drugs and the course of the non-treated cases as regards temperature and pulse, we drew up an average fever and pulse curve for each group on top of one another. Application of the photographic shadow method to obtain an average curve was not possible."

I quit reading the rest of the document. I don't think it would be useful. We note that this report was concluded on 20 August 1944. There are a number of charts attached to the document and it is completed by Page 37

of the English Document Book.

Now, the only question which we have with respect to this exhibit is whether or not this disease, typhus, was naturally or artificially contracted by the thirty-nine experimental subjects. I take it no crime was committed if in fact these thirty-nine unfortunate people just contracted the disease in the Buchenwald Concentration Camp and then were used as experimental subjects to test the reactions of these two drugs, Rutenol and Meridin. I say the prosecution will so assume. But that was not the case. These men were artificially infected and in fact murdered; and to prove that I would like at this time to introduce Document NO-265, Prosecution Exhibit 287.

DR. FRITZ FLEMING: Dr. Fleming, counsel for the defendant Mrugowsky. I object to the submission of the Document 265 since it is a fraud. I should like the Tribunal to note the entry of the 29th of December, 1941. In this entry, the defendant Mrugowsky is called an SS-Standartenfuhrer. In Exhibit Number 29 of the prosecution, which was presented by the Prosecution, it was established that Mrugowsky was only on the 1st of June 1942 appointed a Standartenfuhrer. Mrugowsky was the direct superior of Ding from whom this document allegedly originates. Ding certainly knew the rank of his immediate superior and knew it exactly. It is therefore out of the question that he would call Mrugowsky on the 29th of December, 1941, a Standartenfuhrer and would call him so in an entry in his diary.

If in fact Mrugowsky was only promoted to a Standartenfuhrer months later, in the same entry of the 29th of December, 1941, the president professor Gildemeister is mentioned, and he is mentioned as the president of the Robert Koch Institute (Reichs Institution To Combat Contagious Diseases). Prof. Gildemeister on the 29th of December, 1941, was not yet the president but merely the vice-president; and the Robert Koch Institute at that time was not yet a Reichs institution, but it was merely a Prussian institute which had the other name of Prussian Institute To Combat Contagious Disease and

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than as "Robert Koch" only on the 1st of April, 1942; that is, three months later the Robert Koch Institute was promoted as a Reich institution, and Reich

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Prof. Caldwell was nominated president.

I should further like to draw the attention of the Tribunal to the entry of the 9th of January, 1943; and I quote: "By order of the Surgeon General of the Waffen SS, SS Gruppenfuehrer and Major General of the Waffen SS Dr. Gensken, the hitherto existing Spotted Fever Research Station at the concentration camp Buchenwald becomes the "Department for Spotted Fever and Virus Research." It can be seen from that that until the 9th of January, 1943, the department headed by Ding in Buchenwald had the name of Spotted Fever Experimental Station in the concentration camp of Buchenwald.

I ask the High Tribunal now to look at the heading of the diary. It says, "Diary of the division for research of spotted fever and virus at the Institute of Hygiene of the Waffen SS." This title must have been written before the date of the 29th of December, 1941, more than one year before the division actually received the name of Division for Research of Spotted Fever and Virus; and at that time already this name is used in the heading. Since Ding must have known the name of the department of which he was the head, it is quite out of the question that this diary can have originated from him; and it is impossible that it was written on those days as are designated in the diary.

I then ask the High Tribunal to look once more at the entry of the 9th of January, 1943. Dr. Gensken is called SS Gruppenfuehrer and Major General of the Waffen SS. However, looking at the exhibit of the prosecution, Number 24, which has been submitted to the Tribunal, it can be seen that Dr. Gensken was only on the 30th of January, 1943, promoted to SS Gruppenfuehrer and Major General of the Waffen SS. Gensken was the disciplinary superior of Ding. Ding must have known his rank exactly for that reason. For that reason, too, it is out of the question that this diary can have originated from Ding and that it was actually used as a diary.

The particular point of a diary is that entries are being made currently and that the entries are made at the time when the man who does make the entries has them completely in his memory and in addition

the man who is making the entries, when writing down the individual facts, does not know what effect those facts will have at a later date. So that a diary always represents an assumption of an objective report.

If someone more than one year later, as has been done in the case which is before us, makes an entry, and if this entry then gives the artificial appearance of a diary, and if he then in addition adds the title of "Diary," then the reason can only be an intention of deceit; and if such a deceit was intended and for this purpose, a mock diary was created, then the individual entries in this diary are made in such a manner as serve the purposes of the man who wants to commit a deceit. According to my opinion, such a fraud cannot be admitted into evidence.

In order to complete my statement, I may mention that further improbabilities are contained in this diary which, however, are not of such illustrative nature as the ones which I have just mentioned; and I therefore will not mention the others at the moment.

I should again like to point out that the diary was written with a typewriter, so we are not concerned with a diary in book form but we are concerned with flyleaves, loose flyleaves; and the possibility has always existed that they were changed over. For that reason, I ask the High Tribunal before deciding the admissibility of this document to order the prosecution that they submit the original of that so-called diary and in addition that they state in what manner this diary reached their hands. If they received it from a third party, then there is a possibility and danger that leaves were exchanged.

MR. MEHNEY: May it please the Tribunal, I might remark that the prosecution somewhat resents the light use of the word "fraud" without some further explanation of what the defense attorney has in mind. I do not know precisely where this document was obtained. It purports to be an original. I shall ascertain in the interim between the recess now and 1:30 precisely where it came from and the facts surrounding it.

JUDGE SEEHNG: Do you have in your hands the original?

MR. McHANEY: I have it in my hand, yes; and on each page or substantially each page you will see the name of Dr. Ding or Dr. Schuler, after he changed his name. I would also like to point up the very obvious weakness of the argument made by defense counsel. It is sheer supposition that these entries were made from day to day. As a matter of fact, the diary itself conclusively shows that they were not so made. A great number of these experiments which were carried out show in the entries that they were not made from day to day. For instance, just take as an example Page 49 of your English Document Book. There you see a certain typhus experimental series running from the 8th of March, 1944, to the 18th of March, 1944, the entry appearing under those dates. So quite obviously we just are arguing about something we don't know when we try to conjecture as to when those entries were made.

JUDGE SEHRING: Mr. McHaney, do you have in evidence or in the possession of the prosecution other documents signed by Dr. Ding in what is admittedly his handwriting so that the Court may have the opportunity to compare the signatures with the signatures appearing in this purported diary?

MR. McHANEY: We do, your Honor. The Prosecution Exhibit 283 is, as you will recall, an affidavit signed by the deceased Dr. Schuler; and it has a very pronounced and distinguishable characteristic. Now, in the diary you will find that the greater part of it is signed by Dr. Ding but the last number of entries, beginning late in 1944, are signed by Dr. Schuler, although they are erroneously translated in the translation before the Tribunal as Dr. Kluber. That is because it is very difficult to read his signature; but it is Dr. Schuler, who is the same as Dr. Ding.

I do not know offhand if we have a sample of the signature of Dr. Ding in evidence. I rather think that we do have one and can possibly put it in evidence. I would also like to point out, though, that this argument about Drugowsky not being a Standartenfuhrer on such and such a date; that he was an Oberfuhrer or something of that sort, while it

may indicate that the entries were not made on that particular day, indicates nothing more and certainly points to no fraud.

I was just about to point to entries made on this report of Ding's which I have already read into evidence as Prosecution Exhibit 286, which, as you will recall, dealt with thirty-nine experiments on persons afflicted with typhus with the drugs Meridin and Rutenol from April to May, 1943; and I can point to the very place in that diary which substantiates this report written by Ding, which certainly is not contested by the defense; and the entry in the diary corroborates this, that they did on the date here mentioned experiment on precisely thirty-nine people, fifteen with Meridin, fifteen with Rutenol, just as it is reported in Prosecution Exhibit 286. And so it appears in the diary; and it also appears that all thirty-nine were artificially infected with typhus and that more than half of them were so murdered.

So if we are to engage in arguments about when these entries were made, I submit that that is a fairly forceful argument for the authenticity of this document.

DR. FLEMING: I may point out that as a matter of course it is possible that some of the entries actually are in compliance with the facts but the fact alone that more than one year has elapsed before the division received their real name and that this wrong name was used in the title, this fact alone shows that it cannot be a diary. It is quite possible and I submit that it is a matter of course that the prosecution has received this diary and it was called a diary when they received it; but I still maintain that the person who produced this diary has falsified it for certain purposes. I think that I have proved that through the inconsistencies which cannot be explained.

THE PRESIDENT: We will now adjourn for the noon recess. In the meantime the prosecution may find some signatures of Dr. Ding which might conveniently be introduced in evidence. The Court will resume and take up its ruling on this matter at 1:30 o'clock. We will now recess until then.

(A recess was taken until 1330 hours.)

CORRECTED COPY

AFTERNOON SESSION

THE MARSHAL: The Tribunal is again in session.

Mr. McHANEY: If the Tribunal please, before the luncheon recess, the Prosecution had offered Document Number 265 as Prosecution Exhibit Number 178. This offer had been contested by Dr. Fleming, Counsel for the Defendant Hrugowsky. I told the Tribunal I would ascertain the source of this document during the recess.

This document was secured by agents of the Office of Chief Counsel from one Eugene Kagan. Kagan will take to stand and testify later in the afternoon and will tell you that he was the First Clerk to the deceased Dr. Ding-Schuler, and that this document was secured by him 2 April 1945 in the Buchenwald Concentration Camp, and that it has been in his custody since that date with the exception of a short time when it was microfilmed by an organization known as FIAT which is a Joint Intelligence operation of the United States and British Army.

It was continuously in his possession up until the time the Office of Chief of Counsel secured it from him. However, this purports to be an original German document. It is signed by the deceased Dr. Ding-Schuler; accordingly, for reasons which are satisfactory to the Prosecution, we have offered it before Kagan takes the stand on the ground that it is an original and that it is admissible under the certificate we customarily attach to captured German documents.

The Tribunal also requested that I secure samples of the signature of Dr. Ding; samples of his signature when he was known as Dr. Schuler also. Upon inspection of the record I find that we have samples of these signatures already in the record and I take it that the genuineness of these signatures is not contested by Defense Counsel.

Prosecution Exhibit Number 284 contains in the lower left-



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hand corner the signature of Dr. Ding. Prosecution Exhibit Number 233 contains the signature of Dr. Schuler and I submit that both of those signatures are rather unique. Now we will pass up Document Number 265 which has been offered as Prosecution Exhibit Number 287 and which is the Diary kept by the deceased Schuler on experiments at Bacherswald.

On substantially all of the pages of this diary there appears either the signature of Dr. Ding or Dr. Schuler. I will again pass this document to the Tribunal, I will point out the first time the name Dr. "Schuler" appears is on page 25 of this Document Number 265.

On two preceding pages appear the name, "Dr. Ding". I think that you will find that the similarity between the uncontested signatures of Ding and Schuler and those appearing in the contested exhibit are almost similar.

THE PRESIDANT: The objections to the admission in evidence of this exhibit are overruled. The document will be admitted.

Mr. McHANEY: Before reading the earlier portions of the Ding Diary, I would like to remind the Tribunal that Prosecution Exhibit 286 was the paper written by Dr. Ding on his experiments on typhus patients with the drugs Acriidin and Rutenol. The Tribunal will recall that the paper states that these experiments were made from April to May, 1943, and that 39 persons were used in these experiments.

You will also recall that 15 were given the drug Rutenol and 15 Acriidin; 9 were given neither and retained as a so-called control.

I would therefore ask the Tribunal to turn to Page 46 of the English Document Book which shows the entries on 13 and 14 April 1943 in the Ding Diary. We shall see what an ingenious thought this Ding Diary is inasmuch as it very exactly reports the experiments in Ding's papers submitted to Reichardt and SS

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Police on the 17 of November, 1944. Permission was then asked to publish a paper.

This entry reads:

"Unit of SS-Sturmabfuhrer Dr. Ding ordered to I. G. Farbenindustrie
A. G. Hoechst. Conference with Prof. Lautenschlaeger, Dr. Weber, and
Dr. Fussgaenger about the experimental series

'Akridin Granulat and Rutenol'

in the concentration camp Buchenwald.

"Visit to Geheimrat Otto and Prof. Prigge in the institute for ex-
perimental therapeutics in Frankfurt-on-Main.

"24 April 1943:

"Therapeutic experiments Akridin-Granulat (A-Gk2) and Rutenol (R-2)

"To carry out the therapeutic experiments Akridin-Granulat and Rutenol
30 persons (15 each) and 9 persons for control were infected by intra-
venous injection of 2 cubic centimeters each of fresh blood of a spotted
fever sick person. All experimental persons got very serious spotted
fever.

"1 June 1943:

"Charts of case history completed.

The experimental series was concluded

21 deaths (8 with Akridin-Granulat)

(8 with Rutenol)

(5 control)

(signed) Dr. Ding

SS-Sturmabfuhrer"

Now I say to the Court that it is absurd to urge that this docu-
ment is anything in the nature of a fraud. Here we have two completely
independent documents reporting about the selfsame experiments carried
out in April and May of 1943, the same number of persons, the same number
of controls, the same drugs, the same date, and we see that these 39
unfortunate people did not contract this disease naturally. The first
entry here makes very clear that all 39 were infected by intravenous
injections of 2 cubic centimeters each of fresh blood of a spotted
fever sick person. We can, therefore, see that the stamp with the name

Poppendick on the original paper submitted by Dr. Ding for his approval for publication carried somewhat more than usual significance. I might also remark with respect to this paper written by Dr. Ding and submitted to Poppendick for approval that it states therein that the treatment through the use of these drugs was started during the incubation period. I am advised, and I suggest to the Tribunal and to the defendants that that in and of itself indicates on the face of the paper that these people were artificially infected with typhus and that even if we did not have the very interesting Ding Diary it would be sufficient to prove that these experiments were criminal, and why is that? The incubation period means before the symptoms of the disease appeared. Now, how could these men know that these persons in the Buchenwald Concentration Camp had typhus during the incubation period unless they themselves had infected these persons? If they had contracted the disease naturally, during the incubation period no symptoms appeared and it was not possible to ascertain that they had the disease typhus at that time. But we need not rely upon such medical facts because we have the Ding Diary and that makes perfectly clear what was done during the course of these particular experiments in April and May of 1943.

I would like at this time to go back to the beginning of the Diary and read from it at some length. On the first page we find the years 1941/42, "Diary of the division for research of spotted fever and virus at the Institute of Hygiene of the Waffen SS." This is on page 38 of the English document book. The first entry, and certainly a most interesting one, is dated 28 December 1941:

"Conference between army sanitation inspector, General-Chief Surgeon Professor Dr. Handloser; states secretary for the department of health of the Reich-SS Gruppenfuhrer Dr. Genti; president Professor Gilchrist of the Robert Koch Institute (Reichs Institution to combat contagious diseases) and SS-Standartenfuhrer and lecturer Dr. Arugowsky of the Institute of Hygiene, Waffen-SS, Berlin.

"It has been established that the need exists, to test the efficacy of, and resistance of the human body to, the spotted fever serum extracted from egg yolks. Since tests on animals are not of sufficient value, tests on human beings must be carried out."

Here we see a meeting of these distinguished gentlemen in which it is decided that animal tests have not been sufficient and to work on human beings. And what are they going to do? Are they just going to inject this serum and see what the reaction of the human body to the serum alone is? Not at all. They are testing the efficacy of the human body, the efficacy of the serum as well as the resistance of the human body to the serum. And that, if Your Honors please, means simply that they were going to infect the test subjects with typhus following the inoculation to test how efficient the vaccine was. And that is precisely what happened. The defendant Handloser participated in this conference, Professor Gildemeister of the Robert Koch Institute participated in this conference and his closest collaborator in this field was the defendant Rose, the vice-president of the Robert Koch Institute. The defendant Zrugowsky was there, the deceased Dr. Conti, the superior of the defendant Bloch was there; and all together, as the responsible agents of the German government, they decided that these criminal experiments should be carried out. The Diary continues:

"2 Jan. 42:

"The concentration camp Buchenwald is chosen for testing the spotted fever serum. SS-Hauptsturmführer Dr. Ding is charged with these tests.

"5 Jan. 42:

"Preliminary test A:

"Preliminary test, to determine the surest and most practical way of infecting human beings artificially. Five humans for test purposes received intramuscular and subcutaneous injections of virus in doses of 1 cubic centimeter. Infection was not possible..."

And the signature of Ding appears after those 3 entries.

The first step they took in carrying out the project decided upon at this conference was to find out how they could artificially infect these unfortunate experimental subjects with typhus. So let us not hear the defense urge that this Institute was established simply for the purpose of testing the reaction of the human body to the serum itself.

"10 Jan. 42:

"Preliminary test B:

"Preliminary test to establish a sure means of infection:

"Much as in small pox vaccination, 5 persons were infected with virus through 2 superficial and 2 deeper cuts in the upper arm.

"11 of the humans used for this test fell ill with true spotted fever. Incubation period 2 to 6 days.

"20 Jan. 42:

"Preliminary report of reactions of vaccinations. Through continually produced blood counts a strong neutrophile Linkverschiebung Stabkernige was discovered.

"2 Feb. 42:

"Chart of case history of the preliminary tests to establish a sure means of infection were sent to Berlin.

"1 death out of 5 sick."

"6 Jan 42

"1 Feb 42

"Spotted fever vaccination material - Research Series I

"Execution of vaccination for the immunization from spotted fever, using the following vaccines:

"1) 31 persons with aigl-vaccine from the intestines of lice of the institute for spotted ver and virus research at the Supreme Command Army (GKH) Krakow..."

And if I may pass over we can note that their vaccine was being obtained from the same Dr. Eyer who I mentioned earlier, the subordinate of the defendant Handloser, who had participated in the meeting which decided

upon these experiments not 30 days earlier.

"2) 35 persons with vaccine from Hühner Eidottersackkulturen made by the process Cox, Gildemeister & Haagen.

"3) 35 persons with vaccine 'Behring Normal' (1 egg bloated (aufgeschwemmt) to 450 cubic centimeters vaccine. Mixture of 70% Rickettsia Mooseri and 30% Rickettsia Prowazeki).

"4) 34 persons with (Behring Normal ' Behring Strong' (1 egg bloated to 250 cubic centimeters).

"5) 10 persons for control..."

Always we find we have these unfortunate control persons who received no protective inoculation whatsoever.

Always we find that we have these unfortunate control persons, who received no protective inoculations whatsoever.

"3 March 1942:

"All persons vaccinated for immunization between 6 January 1942 and 1 February 1942, and the ten persons for control, were infected with a virus culture of Rickettsia-Provazeki, in the presence of president, Professor Gildemeister. SS Hauptsturmfuehrer (Captain) Dr. Ding infected himself in the process (laboratory accident)."

So here we find that not only was Professor Gildemeister in the meeting that outlined this program but he also appeared in person on March 3rd, 1942, to see how things were going and in his presence these persons were infected with typhus.

"17 March 1942:

"Visit of Prof. Gildemeister and Prof. Rose (Department head for tropical medicine of the Robert Koch Institute at the experimental station. All persons experimented on fell sick with spotted fever, except two, who, the fact was established later, already had been sick with spotted fever during an epidemic at the police prison in Berlin. SS Hauptsturmfuehrer Dr. Ding fell sick with spotted fever and lies at the hospital in Berlin. SS Hauptsturmfuehrer Hoven, station medical officer of the Waffen SS in Weimar, supervises in the meantime the stations (Block 44 and 49)."

So we find that the Defendant Rose visited Buchenwald with his friend and superior, Prof. Gildemeister and watched these experiments, which included the injections on the concentration camp inmates. We also see from this entry that the defendant Hoven took over for the first time in the experimental station and the defendant Rost won't deny that he made this visit to Buchenwald. He will admit now that he was there.

"19 April 1942:

"Final report on the first spotted fever vaccine research series: The stone block #45 was made available for the purpose of these spotted fever experiments.

5 deaths (3 under control)

1 with "Behring Normal"

1 with "Behring Strong" (stark)

"19 August 1942

4 September 1942:

"Spotted fever vaccine, research series 11:

"Execution of vaccination for the immunization from spotted fever, using the following vaccines:

"1) 20 persons with vaccines, made by the process of Durand and Giroud (Pasteur Institute, Paris) from rabbit lungs.

"2) 20 persons with vaccine, made by the process of Combiac, Zetta and collaborators from dog lungs. (Producer: Contacuzine, Bucharest). (This vaccine was made available by Prof. Rose, who received it from Navy Doctor Prof. Ruge from Bucharest)."

So we may conclude that Prof. Resu was impressed by what he saw on March 17, 1942, and is now aiding in the criminal conspiracy by supplying them with vaccine to be tested.

"15 October 1942:

"Artificial infection of all persons, vaccinated for immunization between 19 September 1942 and 4 October 1942, and 19 persons for control with Lidottersack Virus (Rickettsia Prowazeki)."

"25 October 1942:

"The infection has started on all persons experimented on."

"26 May 1942:

"Charts of case history sent to Berlin.

"4 deaths of control persons."

I would like to pause here to refer again to the objection to this document. It seems to be rather obvious that this diary was not kept on a day to day basis because from the 20th of May 1942 to 19 August 1942 appear only about four entries and to them there is only the signature of Dr. Ding, so I assume it is entirely possible that inasmuch as six or seven months elapsed before the formal entries were made in the diary, these

entries were quite obviously made from work notes which were kept by Dr. Ding.

"10 September 1942 to 10 October 1942:

"Unit of SS Hauptsturmfuehrer Dr. Ding (ordered) to the Pasteur Institute in Paris to Prof. Giroud."

"22 October 1942 to 5 November 1942:

"Spotted fever vaccine Research Series III.

"Vaccination for immunization from spotted fever of 20 persons with vaccine made according to the process of Giroud, Paris. This vaccine was taken by SS Hauptsturmfuehrer Dr. Ding from Paris immediately after production."

"30 November 1942:

"Artificial infection with Huehner idettersackmaterial" (and they give the name of the virus) "from the Robert Koch Institute of the 20 persons vaccinated for immunization and of 6 control persons. This research series was observed for six weeks and then abandoned without results, as no sickness broke out among the control group."

"27 October 1942 to 8 November 1942:

"Spotted fever vaccine, Research Series IV:

"Vaccination for immunization of 20 persons with a vaccine from intestines of lice made by the process of Weigel (sent by lecturer Dr. Haas of the spotted research institute 'Emil v. Behring' in Lemberg)."

"30 November 1942:

"To test the effect of the immunization, the infection shall be made with lice, sick with spotted fever. The lice and their cages must be burnt immediately, as the latter becomes leaky during transport and therefore represents a danger of epidemic in Camp Buchenwald."

"3 December 1942:

"Newly sent lice are applied to 15 persons (5 immunized and 10 persons for control). The lice again must be destroyed as the cages are not tight.

"The report is again made that an infection with live spotted

fever lice is not possible because the danger to camp inmates is too great."

"4 January 1943:

"Due to infection by lice on 3 December 1942, five persons show short term illness.

"The research series was concluded."

So we see by this series of entries that they developed a second means of injection. The first we saw was that comparable to smallpox vaccines, where they made small incision on the upper arm. Now they are using a second method of injection through lice.

"15-16 December 1942:

"Unit of SS Hauptsturmfuehrer Dr. Ding (ordered) to the opening of the spotted fever research foundation in the General-Government 'Emil v. Behring' in Lemberg (Lecturer (Dosen) Dr. Haas)."

"28-31 December 1942:

"Vaccination for the immunization from Rickettsia of the Reserve Bn. of the Leibstandarte SS 'Adolf Hitler' (approximately 2500 men) because of the outbreak of an epidemic.

"Inspection of quarters and advice to the medical officer for the fighting against epidemic."

"1 December 1942 to 30 December 1942:

"Spotted fever vaccine, Research Series V:

"To determine the immunization effect, 20 persons were actively vaccinated for immunization with vaccine 'EM' of the Behring Works - Dr. DEWITZ - (vaccines, where beside the chicken embryos were used)."

"26 January 1943:

"Artificial infection with Edsall-Virus Op No 223 and 226 from Robert Koch Institute."

We see that the Robert Koch Institute through the Defendant Rose was supplying the virus with which these unfortunate victims were injected with typhus.

"9 January 1943:

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"By order of the surgeon general of the Waffen SS, SS-Gruppenfuehrer and Major General (Generalleutnant) of the Waffen SS, Dr. GENZKEN, the hitherto existing spotted fever research station at the concentration camp Buchenwald becomes the

"Department for spotted fever and virus research"

"The head of the department will be SS-Sturmabfuhrer Dr. DING. During his absence, the station medical officer of the Waffen SS, WEIDLER, SS-Hauptsturmfuehrer HOFER will supervise the production of vaccines. The chief of the economic and administrative headquarters, SS-Obergruppenfuehrer and Lt. Gen. (General) of the Waffen SS POHL, orders the extension of block of stone buildings.

"SS-Sturmabfuhrer Dr. DING is appointed at the same time as chief department head for special missions in AMT XVI (Hygiene), of the group department (Untergruppe) D (Medical affairs of the Waffen SS) of the SS Main Headquarters."

"19 January 1943: Therapeutic experiments Akridin and Methylene Blue. On suggestion of the I G Farbenindustrie AG, as spotted fever therapeutics were tested: a) Preparation 3582 'Akridin' of the chemical pharmaceutical and micro-bacteriological department in Frankfurt-on-Main-Hoechst Prof. Lautenschlaeger and Dr. Weber - (Therapeutic experiment A); b) Methylene blue, tested in an experiment on mice by Prof. Kieckuth, Elberfeld (Therapeutic experiment B).

"26 January 1943: Artificial infection with Eidotter-Virus O, No 223 and 226: 2- persons for therapeutic experiment A: Akridin; 2- persons for therapeutic experiment B: Methylene blue, and 7 persons for control.

"20 February 1943: From the spotted fever infections of the 26 January 43 the persons for control show no typical spotted fever symptoms, also in the group Vaccine 'B3' of the Behring Works, Akridin, Methylene Blue, about 1 are without sickness, the remainder have medium spotted fever. The research series was designated to the manufacturer as 'negative', as the persons for control could not be infected clearly. One death in therapeutic experiment Akridin.

"10 January 1943: Yellow fever vaccine tests: The 'Behring Works Marburg/Lahn', the 'Robert Koch Institute Berlin', and the 'Institute for spotted fever and virus research of the Supreme Command of the Army (OKH)' in Crkew were commissioned by the Supreme Command of the Army (OKH) to manufacture yellow fever vaccine of Boltier and collaborators. Since a live virus is being handled, for safety's sake from each vaccine charge a test is to be performed on five persons.

"At the same time 50 persons are to be vaccinated once with Op. No. 26 of the 'Robert Koch Institute' which already has been tested for its harmlessness, to determine the decrease of working capacity.

"The results of the yellow fever vaccine tests are to be sent to Department XVI in the SS Main Headquarters, in duplicate, who will forward one to the manufacturer, and one to the supreme command of the army (OKW), attention Major Dr. Schmidt (Army Medical Inspectorate)."

And there follows a list of tested OP numbers which we need not read.

"3 February 1943: Sterility experiment with an egg vaccine. A package was sent with a small bottle of 20 ccn spotted fever vaccine from egg yellow cultures. Op No 35 from 14 October 42. A second injection on 8 December 42, a third injection on 13 December 42 of a spotted fever vaccination for immunization was carried out on Sister Lilli Bechm, born on 3 April, 1912 by resident surgeon Dr. von Byszond. Towards evening a temperature of 104° F. 48 hours after the last vaccination death in coma in the German clinic in Koenen.

"Section protocol: Spotted fever (No 2033, University of Koenen, pathological institute, Lecturer Dr. Starkus." And then it gives an investigation on material vaccinated on and so forth. "During animal experiments, guinea pigs and mice were vaccinated intra-peritoneal and under the skin of the back. No pathological symptoms at all. Results: The vaccine not responsible for the death. The vaccination still took place during the incubation period.

"8 February 1943: Visit of Major Dr. Byer from the institute for spotted fever and virus research of the OKW in Crakow and Major Dr. Schmidt from the army medical inspectorate."

There again we have two of the chief subordinates of the defendant Handloser visiting the murder factory at Buchenwald.

"22 February 1943: Examination of unknown bacteriological material: During August 42, Soviet parachutist was brought into the district Marienburg; he carried in his baggage the Amphiclen

material, which was turned over by the RSHL,
(Department IV A/5 on 25 February 43) They were Ruhrbakteriophagen
(Dysentery B...), which could be diagnosed without doubt by
animal and culture experiments, and which can be used for thera-
peutic purposes in case of diarrhoea.

"23 February 43 to 6 March 43: Unit of SS Sturmbannfuhrer
Dr. Ding ordered to Paris to procure laboratory material of the
department for spotted fever and virus research, and the Institut
of Hygiene.

"23 March 43: Conference between SS Sturmbannfuhrer Barne-
wald, SS Sturmbannfuhrer Dr. Ding and SS Hauptcharfuhrer
Schlosinger from Department W 5, W.V.H.A. about the breeding of
rabbits, guinea pigs and mice as experimental animals for the
experimental department.

"25 January 43 to 28 February 43: Spotted fever vaccine
Research Series VI. To determine the immunization effect the
following are actively vaccinated for immunization. 2- persons
with vaccine 'Zurich' from the Hygiene Institute of the University
of Zurich (lungs of mice), and 2- persons with vaccine 'Riga'
from the serum institute of the University of Riga.

"31 March 43: Artificial infection with egg-Rickettsia-
Fremzucki of the Robert Koch Institute, Berlin.

"11 April 43: The infection of 31 March 43 has not result-
ed in any sickness so far.

"23 April 43: Experimental series abandoned.

"8 April 43: Examination of the water and inspection of
the concentration camp Vught near Harrewaenbusch.

"8 March 43 to 12 March 43: Inspection of billets in Apol-
doorn-Arnheim and vicinity. Advice of chief surgeon of the
commander of the Netherlands in respect to a Diphtheria-epidemic
in Apeldoorn.

"24 March 43 to 2- April 43: Carrying out of a large scale

experiment on 45 persons by the process of the Hygiene Institute of the Waffen SS by SS Standartenfuhrer lecturer Dr. Krugowsky. Vaccinations were made on 3 different days within four weeks against smallpox, typhus, typhoid A and B, cholera, spotted fever, diphtheria. Compatibility was generally good. Exact protocol and report were delivered on 27 April 1943 to department chief of department XVI.

"It led partly to a strong decrease of working capacity, losing of strength, increase of temperature and swelling of the lymph glands. It must be considered, typhus and smallpox were not vaccinated on the same side of the body, otherwise strongest swellings of the lymph glands take place.

"The diphtheria-absorbat vaccine led to about 20 cases of strong formation of abscesses. If still in the camp, the persons were again vaccinated for smallpox within 1 year."

He then came to 31 March, 1943, therapeutic experiments 'Akridin Granulat' and 'Rutonal'.

"For the execution of therapeutic experiments 'Akridin Granulat' and 'Rutonal' 40 persons were infected with oxy Rickettsia.

"11 April 43: after observation of several weeks, no sickness started. Report to SS Standartenfuhrer Lecturer Dr. Krugowsky and President Prof. Gillemeister. The type 'Matsubataki' of the Robert Koch Institute, which will lead to spotted fever sickness with certainty.

"11 April 43: Preliminary Experiment C: To determine a sure means of infection, experiments with whole blood from persons stricken with spotted fever, were made. Infection took place as follows: 3 persons - 2 ccm each of whole fresh blood intravenous; 2 persons - 2 ccm each of whole fresh blood intramuscular; 2 persons - 2 ccm each of whole fresh blood subcutaneously; 2 persons - after scarification; 2 persons - with a vaccinating

scalpel cutaneously. Those infected intravenously got typical, serious spotted fever, and died because of failure of the circulatory system. The other experimental persons complained only about minor discomforts, without becoming hospital cases.

"13 April 43: Preliminary Experiment D. The following were infected. 6 persons with 2 cc each whole fresh blood intravenous; 6 persons with 2 cc each whole fresh blood intramuscular; 6 persons by means of a vaccination scalpel cutaneous.

"The six intravenously infected persons again got very serious spotted fever, 5 died.

"Of the six, infected intramuscularly, one person got medium spotted fever. The others were without any reasonable difficulties, and were not hospital cases. The surest means of infection to produce spotted fever in humans is therefore the intravenous injection of 2 cc spotted fever whole blood."

I think by reading this portion of the Diary the Court has gotten a pretty good picture of how these experiments were conducted at Buchenwald, and the deaths which occurred there. Accordingly, before reading into the record the remainder of the diary which is equally interesting, I should like at this time to call to the stand Eugen Kogon.

JUDGE SEBRING: Witness Dr. Eugen Kogon will take the stand.

EUGEN KOGON: A witness, took the stand and testified as follows:

JUDGE SEBRING: The witness will hold up his right hand and be sworn, repeating after me the following oath.

I swear by God, the Almighty and Omniscient, that I will speak the pure truth and will withhold and add nothing.

(The witness repeated the oath.)

JUDGE SEBRING: You may be seated.

DIRECT EXAMINATION

BY Mr. McHANEY:

Q.- Witness, your name is Eugen Kogon?

A.- Yes.

Q.- You were born on February 2, 1903, at Munich, Bavaria, Germany?

A.- Yes.

Q.- What is your citizenship, Witness?

A.- I am an Austrian citizen.

Q.- What is your present address?

A.- Oberursel near Frankfurt, Am Hang 26.

Q.- And what is your occupation at present, Witness?

A.- I am a publicist, editor of the monthly for culture and politics, "Frankfurter Hefte."

Q.- How long have you held that position?

A.- Since April, 1946.

Q.- And what were you doing for the year prior to that time?

A.- From April 1945 until July 1945 I was working with the Psychological Warfare Division and later for Control Division in Paris and Bad-Hamburg and from then on I was an independent author.

Q.- Now, Mr. Kogon will you tell the Tribunal something about your education?

A.- I attended primary school in Munich, elementary school in Munich; a secondary school with the Benedictines and Dominicans I studied at the Universities of Munich, Florence and Vienna, national economy and sociology. From 1927, I was in Vienna and worked on the Catholic weekly, "Schonere Zukunft" as editor. At the same time I was a member to the central committee of Christian Unions in Vienna. In 1932 I became editor in chief of the paper of the Christian Unions in Vienna until the end of 1933. From 1934 on I was administrator of the Austrian-Hungarian Prince

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Saxe-Coburg Gotha and on the 12th of March 1938 when the National Socialists marched into Austria I was arrested. I was put in the police prison in Vienna; in the fall of 1939 I was sent to the concentration camp Buchenwald where I was a political prisoner until the liberation on the 12th of April 1945.

Q Now, witness, will you tell the Tribunal in a little more detail about your relationship with Prince Coburg, the work you did there, and will you also tell the Tribunal about any previous arrests to which you have been subjected?

A I was administrator of the property of this Austrian-Hungarian Prince Coburg, and as such, I repeatedly had business in Germany. We had considerable blocked accounts in Germany. I was arrested twice in Germany by the Gestapo. Once in 1936 for one day only. The second time in March 1937 by the Gestapo. In both cases an attempt was made to involve me in violations of German foreign currency laws and to prove that I had supported the immigrants in Austria by my collaboration with anti-Fascists abroad, in Czechoslovakia and in Switzerland. The second time, I was arrested and put on probation after 12 days, but I could not leave Germany. After four and a half months, there was a trial in Wiesbaden at which I, as a representative of Prince Coburg, was tried for extensible violation of the German foreign currency laws and for financial support of a large Catholic publishing house in Germany from abroad. I was given a fine of ten thousand marks.

Q Who paid that fine, witness?

A Prince Coburg.

Q Was this a responsible position which you had with Prince Coburg?

A Yes.

Q Did you have to handle and administer large sums of money?

A Yes, I had all the free fortunes in Austria, Hungary, Czechoslovakia and Switzerland under my charge. As trustee, I was in charge of the Vienna private bank of this prince.

Q How large an estate was that?

A The estate of this prince in Austria included about 25 million schillings, of which I had about two and a half to three million under my administration.

Q Is this Prince Coburg with whom you had this relationship the same one who was an Obergruppenfuhrer in the SA?

A No, he had nothing to do with him.

Q This family Coburg is the one from which rulers of various countries in Europe have come?

A Yes, it is the same family.

Q Now, as I remember your earlier statement, you were sent to Buchenwald in September 1939, is that right?

A Yes.

Q Now, what work did you do while you were in the camp, Doctor Kogon?

A At first, I was used as a ground worker and after about six months as a blacksmith, later a tailor. In the beginning of '43, I came to the pathology section as a secretary-clerk, and from the spring of '43, I was first doctor's clerk, working for Sturmbannfuhrer, who was later Hauptsturmbannfuhrer, Dr. Ding. He later assumed the name of Schuler for the newly created vaccine station in the Buchenwald Concentration Camp.

Q That was in the spring of 1943 that you became chief clerk to Schuler?

A In April 1943.

Q What were your duties as clerk to Schuler-Ding?

A I was in charge of all his correspondence. I had to take all the dictation from Dr. Ding, I had to take care of the files, and I had to pass on his orders.

Q Now, were you working in Block 46 or Block 50?

A In Block 50.

Q Now, will you explain to the Tribunal just what work Ding-Schuler was doing in Buchenwald, that is, over which blocks he had jurisdiction and what was being done in each of the blocks?

A Dr. Ding, in 1939, was camp physician in Buchenwald. Then he went to the Hygiene Institute of the Waffen SS in Berlin and returned about the end of '41 as head of the newly created experimental station. He returned to Buchenwald. In 1943, or the end of '42, he suggested that typhus vaccine for the fighting troops at the front should be produced in the Buchenwald Concentration Camp, and for this purpose a station within the Hygiene Institute of

the Waffen SS should be founded. Actually, in the first months of 1943, a section for typhus and virus research was set up in the Buchenwald Concentration Camp with the two blocks, 46 and 50. Block 46 was called the "Clinical Station for Typhus and Virus Research" under the Hygiene Institute of the Waffen SS-Berlin. Block 50 was called "Section for Typhus Vaccine Production." Dr. Ding was the head of the Block 46 and of Block 50. Both the two blocks had nothing to do with each other as far as personnel was concerned. The prisoners in Block 50 for the most part were enemies of the Block 46 Dietsch. Dr. Ding issued the instructions for Block 46 directly to Arthur Dietsch, CAPO of block 46. Only when there were visits or reports which had to be made was I told to ask for the material from Cape Arthur Dietsch to draw up the reports or to announce visits in Block 46. Dr. Ding-Schuler when he was not in Berlin personally used to write reports to Mrugowsky every three months. Dr. Ding-Schuler from the fall of 1943 on was also special deputy of the so-called block districts of the SS. Especially for Block Area "B" in the Herta Mountains.

where there were about fifteen auxiliary camps of Buchenwald, he had to control the hygienic conditions there because about twenty-five thousand inmates of Buchenwald were sent there as workers in subterranean installations, especially the Junkers works.

Q. Now, Mr. Kogon, some interest has been shown in the change of the name of Ding to Schuler. Will you explain to the Tribunal what you know about Ding's having his name changed to Schuler, and if, in fact, they are one and the same person?

A. Dr. Ding is identical with Schuler. From the Spring or Summer of 1944, on he generally used the double name Ding-Schuler, outwardly only the name Schuler. Mrugowsky, however, wished him to use the name Ding with the name Schuler, or to call himself Schuler, too, because there was another SS officer in Berlin who had the name Schuler. The name Ding also is not the real name of this SS Physician. He was the illegitimate child of a girl named Braun. A merchant at Bielefeld later adopted him, and that is how he got the name Ding. His father was a physician, Dr. Von Schuler and Ding endeavored from 1938 on to get the noble name Von Schuler. When the war broke out, changes in names were prohibited by the Ministry of the Interior. Ding, however, did not stop his attempts to change his name, and through Himmler personally in 1944 he managed to have his name changed. He welcomed this fact in 1944 very particularly because he hoped that in this way he would be able to achieve the advantage after the end of the war, after the victory -- the victory of the Allies which he no longer doubted -- that he would be able to disappear.

Q. Now, Mr. Kogon, I believe you stated that Block 50 began the production of typhus vaccines sometime in the early part of 1943, is that correct?

A. In 1943.

Q. Now, were the typhus experiments carried on in the Clinical Block, that is, Block 46?

A. Only in Block 46.

Q. And when did these experiments begin, do you know?

A.- I know from Dr. Ding-Schuler, I ran my comrades who worked in the prisoners' hospital, and later from Arthur Dietsch that the first experiments took place about the turn of the year 1941, '42.

Q.- Now, you had stated what your duties were with Dr. Ding. Can you tell us some of the persons with whom Ding had correspondence in connection with the typhus experiments at Buchenwald?

A.- The correspondence was carried on primarily with Hrugowsky as the head of Office XVI and later Chief Hygienist of the SS, also partly — officially partly privately with Gruppenfuhrer Genzken, furthermore, with the Military Medical Academy in Berlin, with the Institute for Typhus and Virus Research of the OKM in Krakow, with the Schering Works in Marburg with the I.G. Farben Industry, the Hoechst Laboratory in Hoechst on the Main, and with a number of smaller firms, finally with the SS Hospital in Berlin, Unter den Eichen 125, and with a few doctors personally, for example, Professor Ruge in Rumania, and a few other doctors.

Q.- Do you remember if he had any correspondence with the Institute at Leipzig under Poppendick?

A.- Yes. There was also correspondence between the firm Mauthausen & Company in Dresden/Ratzeburg, the experimental section 5 in Leipzig. This correspondence was in part through Poppendick in Berlin and part through Obersturmbannführer Dr. Kirchert in Leipzig. This concerned experiments -- two kinds of experiments. In the first place, phosphorus, kautschuk, incendiary bomb experiments in Buchenwald, and in the second place, experiments of a Danish Sturmbannführer Dr. Wernet who tried to make homosexuals sexually potent through gland treatment. These two experiments went through the Section 5 in Leipzig.

Q.- We will discuss in more detail those two experiments later on, Witness, now, did Ding confide in you with respect to his work in these typhus experiments?

A.- From the time when I had to work with Dr. Ding-Schuler, I learned virtually every important detail concerning the experiments in Block 46.

Q.- Did you have an opportunity to read secret reports on these experiments?

A.- What reports?

Q.- Secret reports on the experiments.

A.- There was no correspondence, whether private, from Dr. Ding Schuler, or official, open or secret which did not go through my hands, as far as this correspondence originated from Block 50 in Buchenwald.

Q.- Now, were you able to obtain any knowledge of medicine? Did you make any study of medicine because of the position you had in Buchenwald?

A.- When on the 6th of June, 1946, I was called for the first time to take dictation from Dr. Ding, I was in extremely great difficulties because I had only very little primitive medical knowledge in the -- which I had acquired in the preceding weeks in the Pathological Section. From then on I began to study biology and infectious diseases at night, first in order to learn the technical expressions, and, second, in order to gain an understanding of the material. Personally, I was interested in learning a field of natural science. Dr. Ding gave me the necessary literature to do this from

the clinics in Jena. Only later did I have an opportunity to talk with a number of important bacteriologists in Block 50. They were primarily foreigners, French, Czechs, Poles, Russians. They generally could not talk to the Sturmbannfuhrer and they asked me to present the results of their experiments to the Sturmbannfuhrer. The so-called scientific work of Dr. Ding-Schuler — I had to write it which was to be published in German medical publications since Dr. DING wanted to become a lecturer. In such cases he gave me directives and hints and instructed me to work out a subject with the bacteriologists, the biologists and the other scientists in Block 50, and possibly in the Camp, to drum up the work and to submit it to him. In this way in the course of two and a half years I was able to learn a minimum of medical knowledge by virtue of which I was able to understand the things that happened in Block 46.

Q.- Now, Dr. Kogan did you ever write any reports for Ding on the experiments in Block 46?

A.- Yes.

Q.- Now, Mr. Kogon did you ever write any reports for Ding on the experiments in Block 46?

A.- Yes; the results of the series of experiments conducted in Block 46, I had to sum them up on the basis of the material which Block 46 turned into me. I had to submit them to Doctor Ding, then he dictated to me the reports, which were generally sent to Doctor Mrugowsky in Berlin.

Q.- Do you know whether Doctor Ding was under instructions to type up these secret reports himself?

A.- There were such cases. Doctor Ding told me then, "Kogon, here is another case where I must report personally. It is a very secret matter. I will dictate to you now. You will write the thing on the typewriter, but without a diary number and without your initials, and make a few typewriting mistakes in it so that it will look authentic, so that Mrugowsky will not think somebody else wrote it." I did that and Ding-Schuler sent those letters personally.

Q.- Did you ever see Mrugowsky at Buchenwald?

A.- Yes; as far as I can recall, I saw Mrugowsky probably three times. At least twice in Buchenwald.

Q.- Will you look at the defendants in the dock to your right and tell me if you see Mrugowsky there?

A.- The first from the right in the lower row.

Mr. McHAFFEY: We ask that the record show that the witness has properly identified the defendant Mrugowsky.

THE PRESIDENT: The record will show the witness properly identified the defendant Mrugowsky in the dock.

Q.- Did you ever take any dictation from Mrugowsky?

A.- As far as I can recall, once.

Q.- Now, I will ask you again -- strike that. Do you know a man by the name of Hoven?

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A.- Yes.

Q.- What do you know about Hoven? That is, what he was doing in
Buchenwald?

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A.- Hoven had a double function in the concentration camp Buchenwald. He was camp physician, and he was the deputy of Doctor Ding-Schuler for the experimental station 46.

Q.- Will you look at the dock of defendants and tell me if you see Hoven?

A.- The fifth from the right in the upper row.

Mr. McHANEY: We will ask that the record show that the witness properly identified the defendant Hoven.

THE PRESIDENT: The record will show that the witness has correctly identified the defendant Hoven in the dock.

Q.- Now, Mr. Kogon, before going into the details of some of the things that occurred at Buchenwald, I would like to ask you to tell the Tribunal briefly what types of experiments on the concentration camp inmates took place or were carried out at Buchenwald while you were there?

A.- The main experiments in the concentration camp Buchenwald concerned typhus, the so-called typhus exantematicus. There were also experiments with yellow fever; with small pox; dysentery; typhoid fever — typhoid A and B; convalescence serum; blood durability of blood plasma. A series of experiments with Fraenkel - toxus was introduced. The contents of the phosphorus - Kautchuk - incendiary bombs. And, blood was taken from invalids to produce blood for the SS hospital in Berlin. The typhus experiments were extended to the most varied means of combating typhus. The following vaccines were used; A typhus vaccine of the Behring works, produced from egg yolk culture according to the process of Cox, Gildesmeister and Hagen. Also a vaccine from Rabbit lungs, according to the process of Professor Giraud of the Pasteur Institute in Paris. And, in the third place a vaccine of the OXH Institute in Krakow, the so-called Weigelsche vaccine from the intestines of lice. Then a vaccine from mouse liver. A Danish vaccine from Copenhagen. And, various chemical therapeutical agents, for example, Methylen blue, Persiccol, Ruthenol, Mifro-Aerodine.

Q.- Before we go into the details of the typhus experiments, I would like to ask you if you know anything about the manner in which subjects were selected for the experiments which you have mentioned and which took place in Buchenwald?

A.- The selection of experimental subjects was not the same at different times. In the very first period the inmates of the camp were called upon to volunteer. They were told that it was a harmless affair; that the people would get additional food. After one or two experiments it became impossible to get any volunteers whatever. From then on, Doctor Ding asked the camp physician or the SS camp Director to select the suitable persons for the experiments. He had no special directives for this. The camp administration chose people arbitrarily from among the prisoners, whether they were criminals, or political prisoners, or homosexuals. Intrigue amongst the prisoners themselves also played a role in the selection, and occasionally people came who had — for whom there was no special reason, but they came into the experiments. From the fall of 1943, approximately, the camp leaders did not want to keep the responsibility for the selection of experimental subjects. Doctor Ding, himself, no longer wish to have verbal instructions from Mrugowsky to carry out the experiments, but he demanded written orders. For this purpose he approached Mrugowsky with the request that the Reichsfuehrer SS should appoint his own people for the experiments. SS Gruppenfuehrer Hake of the Reich Criminal Police Office in Berlin then, according to a directive from Himmler, which I saw, ordered that only those people were to be used who had at least a ten years sentence to work out. Then, the officials of the Reich Criminal Police Office in Berlin twice selected 110 and 99 people in Buchenwald, who were made available for the experiments. They were exclusively criminals who had been punished before. In the last period, people were selected from various concentration camps and prisons in Germany. Transports came to Buchenwald with these people. In addition to this, political prisoners from the camp itself were almost always included in these

series of experiments which, because they were inconvenient to the SS in some way or because they were victims of camp intrigues.

Q Were all of these experimental subjects condemned to death, who were experimented on in Block 46?

A I do not know of a single case in which some one came to the experimental station in Block 46 because he had been condemned to death. Once in the case of four Russian prisoners of war, it was claimed that they were to be shot, but there was no judgment, no sentence. They belonged to the category of Russian prisoners of war, of whom about 9500 who were partly shot, partly hanged or strangled in Buchenwald.

Q Were any special consideration or favors granted to the experimental subjects who survived these experiments?

A The experimental subjects in the first two or three weeks before the experiments were carried out received better food in order to get them into the condition of a normal German soldier. In addition to that, none of those prisoners, as far as they survived, had received no advantages, and they were never promised any such thing.

Q Was an effort made to pick experimental subjects who were in good physical health, that is, comparable to a Wehrmacht soldier?

A The conditions did exist as far as was probably with the other conditions of selection it was fulfilled.

Q Did I understand you to say that Mrugowsky issued orders to Schuler with respect to the selection of inmates and the experiments themselves?

A Doctor Ding told me in the first period, when I was working for him, that the instructions for the execution of the experiments had come from Mrugowsky in Berlin. He said nothing about the special method of how the people were to be selected.

Q Witness, are you familiar with a diary kept by Dr. Ding on the experiments in Block 46 at Buchenwald?

A Yes.

Q I will ask you if you have ever seen the document which I will now have handed to you, Document NO-265, which has been admitted as Prosecution Exhibit 287.

(Document handed to witness).

A It is the original diary which was kept in Block 46.

Q Did you ever have control of that book yourself?

A In a limited way. The diary was kept in Block 46 by the head clerk there under the instructions of Dr. Ding and under the control of Cape Arthur Dietsch. Dr. Ding generally every six months, sometimes every three months, made reports to Stenartanfuhrer later Oberfuhrer Mrugowsky. For the latter purpose, the diary was taken from Block 46 to Block 50; and I used it as control document in setting up the dates which were to be included in the reports and which concerned not only Block 46 but also Block 50.

A few days before the end of the concentration camp Buchenwald, all SS documents which were in the camp were burned by the SS men. Dr. Ding gave me instructions to take the files of Block 50 to Block 46. These did not include this diary. This diary was kept in Block 46. I went to Block 46 with him; and he and Cape Arthur Dietsch in my presence began to look through the files of the patients in Block 46. Every record which seemed dangerous to him he put into a sack. Cape Arthur Dietsch later took them to the crematorium and burned them there. When the two men were in the next room for a moment, I took a bundle of these records, quite arbitrarily, just as they were lying there, and the diary which I saw lying there. I took them out and threw them into a box.

Two days later I told Dr. Ding that I had not burned the diary. He was quite astonished at this. He asked me whether I believed that this diary was not a terrible indictment against him. I told him,

"If it can be proved before a court that you, Sturmbannfuhrer, went so far as to save this diary, that is conclusive evidence that you were really honest in your intentions." Then he gave me permission to get the diary from Block 46, to get it out of there and to keep it. I took the diary with me out of the camp; and until the fall of 1945 I kept it in my possession.

Then I turned it over to the Military Intelligence Service Center and the Document Center in Oberursel. From then on it was no longer in my hands.

Q When did you turn this document over to the Office of Chief Counsel here in Nurnberg?

A I cannot say exactly. I believe it was in the fall of 1945. At least at that time it was used to prepare photostatic copies. It may be that it was given back to me once more and that I gave it to one of the many American officers again later. I must say in that connection that during this one and three-quarters years I was extremely busy and was concerned with a great number of documents so that I no longer know exactly when I turned over the document to the Office of Chief of Counsel. In any case it was in Oberursel.

Q Did you change or alter this document in any way while it was in your possession?

A Why should I have done that?

Q Then your answer to the question is "No" is that right?

A No, absolutely no.

Q Is this document still in the same condition it was when you turned it over to the Office of Chief of Counsel?

A When I just looked at it now, it looked exactly the same, the same color, the same form, the signature of Ding, later Schuler, the same paper, the same typewriter type.

(Document handed to witness.)

Yes, it is absolutely the same copy.

Q And those signatures appearing then in there are the signatures

of Ding and Schuler?

A. It is the original handwriting of Dr. Ding and later Schuler.

Q. Witness, getting back for a moment to the selection of the experimental subjects, can you tell the Tribunal whether or not the defendant Hoven played any part in the selection of inmates for the typhus experiments in Block 46?

A. There were cases in which Dr. Ding asked the camp physician to see to it that the necessary number of experimental subjects should be selected from the prisoners. As far as I am informed, the camp physician passed on this request to the camp administration which in the first years carried out the selection until the Reich Criminal Police Office selected the people or sent the people.

THE PRESIDENT: As it was announced this morning, the Tribunal will now recess until 9:30 tomorrow morning; and the gentlemen whom I have requested to meet the members of the Tribunal will report in five minutes at the consultation room.

THE MARSHAL: The Tribunal will be recessed until 9:30 tomorrow morning.

(The Tribunal adjourned until 7 January 1947 at 0930 hours.)

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